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**ACTS  
AND  
RESOLVES**

PASSED BY THE  
**General Court of Massachusetts**  
IN THE YEAR

**2007**

PUBLISHED BY  
**William Francis Galvin**  
SECRETARY OF THE COMMONWEALTH







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The General Court, which was chosen November 7, 2006, assembled on Wednesday, the third day of January 2007 for the first session.

His Excellency Deval L. Patrick and the Honorable Timothy P. Murray served as Governor and Lieutenant Governor respectively for the political year of 2007.

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## 2007 ACTS AND RESOLVES

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Published by William Francis Galvin  
Secretary of the Commonwealth



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## Chapter 1. AN ACT FURTHER REVISING THE MEMBERSHIP OF THE PUBLIC HEALTH COUNCIL.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to revise further the membership of the public health council, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 58 of the acts of 2006 is hereby amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. Chapter 17 of the General Laws is hereby amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) There shall be a public health council to advise the commissioner of public health and to perform other duties as required by law. The council shall consist of the commissioner of public health as chairperson and 14 members appointed for terms of 6 years under this section. The commissioner may designate 1 of the members as vice chairperson and may appoint subcommittees or special committees as needed.

(b) Four of the members shall be appointed by the governor: 1 shall be appointed from among the chancellor of the University of Massachusetts Medical School and a list of 3 nominated by said chancellor; 1 shall be appointed from among the dean of the University of Massachusetts Amherst School of Public Health or Health Sciences and a list of 3 nominated by said dean; 1 shall be appointed from among the heads of the non-public schools of medicine in the commonwealth or their nominees; and 1 shall be appointed from among the heads of the non-public schools or programs in public health in the commonwealth or their nominees.

(c) Four of the appointed members shall be providers of health services, appointed by the governor: 1 of whom shall have expertise in acute care hospital management; 1 of whom shall have expertise in long term care management; 1 of whom shall have expertise in home or community-based care management, and 1 of whom shall have expertise in the practice of primary care medicine or public health nursing.

(d) Six of the appointed members shall be non-providers: 1 shall be appointed by the secretary of elder affairs; 1 shall be appointed by the secretary of veterans' services; 1 shall be appointed by the governor from a list of 3 nominated by Health Care For All, Inc.; 1 shall be appointed by the governor from a list of 3 nominated by the Coalition for the Prevention of Medical Errors, Inc.; 1 shall be appointed by the governor from a list of 3 nominated by the Massachusetts Public Health Association; and 1 shall be appointed by the governor from a list of 3 nominated by the Massachusetts Community Health Worker Network. Whenever an organization nominates a list of candidates for appointment by the governor under this subsection, the organization may nominate additional candidates if the governor declines to appoint any of those originally nominated.

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## Chap. 1

(e) For purposes of this section, "non-provider" shall mean a person whose background and experience indicate that he is qualified to act on the council in the public interest; who, and whose spouse, parents, siblings or children, have no financial interest in a health care facility; who, and whose spouse has no employment relationship to a health care facility, to a nonprofit service corporation established under chapters 176A to 176E, inclusive, or to a corporation authorized to insure the health of individuals; and who, and whose spouse, is not licensed to practice medicine.

(f) Upon the expiration of the term of office of an appointive member, his successor shall be appointed in the same manner as the original appointment, for a term of 6 years and until the qualification of his successor. The members shall be appointed not later than 60 days after a vacancy. The council shall meet at least once a month, and at such other times as it shall determine by its rules, or when requested by the commissioner or any 4 members. The appointive members shall receive \$100 per day that the council meets, and their reasonably necessary traveling expenses while in the performance of their official duties.

**SECTION 2.** Said chapter 58 is hereby further amended by striking out section 143 and inserting in place thereof the following section:-

Section 143. Section 5 shall take effect on March 30, 2007.

Approved January 22, 2007.

## **Chapter 2. AN ACT AUTHORIZING THE ABATEMENT OF CERTAIN PROPERTY TAX ASSESSMENTS IN THE TOWN OF DANVERS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 2D of chapter 59 of the General Laws or any other general or special law to the contrary, the town of Danvers, acting by and through its board of assessors, shall abate a portion of the taxes assessed for fiscal year 2007 on any real estate that has decreased in assessed valuation by over 30 per cent as a result of the November 22, 2006 explosion at the Arnel, Co. Inc. and CAL, Inc. site, in an amount to be calculated in the manner provided by subsection (e) of said section 2D of said chapter 59.

**SECTION 2.** This act shall take effect upon its passage.

Approved January 29, 2007.

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### **Chapter 3. AN ACT PROHIBITING CERTAIN DUMPING IN THE CITY OF BROCKTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** There shall be a pilot program in the city of Brockton to determine the effectiveness of permitting cities to establish their own fines and other penalties for illegal dumping within the city limits and of further permitting cities to retain the revenues generated by such fines for the purpose of financing enforcement against illegal dumping.

**SECTION 2.** Notwithstanding any general or special law, rule or regulation to the contrary, it shall be unlawful for any person, directly or indirectly, to dump, place, throw, deposit or discharge any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash or other material of any kind on any way, public or private, appearing on the city assessor's map of the city of Brockton, or within 20 yards thereof, or on any land owned or controlled by the city.

**SECTION 3.** Notwithstanding any general or special law, rule or regulation to the contrary, it shall be unlawful for any person owning, in whole or in part, directly or indirectly, any real property, including ownership of any right to pass and repass on a private way in said city, upon which any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash or other material of any kind has been dumped, placed, thrown, deposited or discharged to fail to remove such material within 7 calendar days of receipt of a written notice from any police officer, code inspector or such other officer or employee of the city of Brockton duly authorized by ordinance or order of the mayor or board of health to remove and lawfully dispose of such material.

**SECTION 4.** The city of Brockton may enforce section 2 by instituting a criminal or civil action in the housing court or superior court of Plymouth county or in the Brockton district court and may enforce section 3 by filing a civil action in any of said courts. No action commenced as a criminal action shall be converted to a civil enforcement action except with the consent of the city.

**SECTION 5.** Whoever is convicted of violating section 2 shall be punished by a fine of not less than \$5,000 nor more than \$10,000, or by imprisonment in the house of correction for not more than 7 days, or by both such fine and imprisonment.

**SECTION 6.** Whoever is found responsible in a civil action of violating section 2 or 3 shall be assessed a fine of 3 times the amount, up to a maximum of \$5,000, estimated or actually paid by the city to remove the illegally deposited material from the property. The court may also exercise its powers in equity to issue such other orders and injunctions as it deems justified by the circumstances of each case.

**SECTION 7.** All fines and penalties imposed for violations of this act shall be paid to the city of Brockton. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city shall maintain a special account known as the refuse enterprise account into which all such payments shall be deposited. The city treasurer may invest funds in the account in the manner authorized by sections 55 and 55B of chapter 44 of the General Laws, and any interest earned on the account shall be credited



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### Chap. 3

to and become part of the account. The city shall appropriate and expend amounts from the account for the purpose of financing the enforcement of this act, removing improperly deposited material from the property governed by this act and financing programs and personnel involved in the collection and lawful disposal of unwanted household goods generated by residents of the city.

**SECTION 8.** This act shall become inoperative on July 31, 2010.

**SECTION 9.** This act shall take effect upon its passage.

Approved February 8, 2007.

### **Chapter 4. AN ACT AUTHORIZING THE TOWN OF ROCKLAND TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 190 of the acts of 2004 is hereby amended by striking out, in line 3, the figure "3" and inserting in place thereof the following figure:- 2.

**SECTION 2.** Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the town of Rockland may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises, under section 15 of said chapter 138. The licensing authority shall not approve the transfer of the license to any other location nor shall the license be re-issued to the same location within 6 months from the date the prior license is terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department.

**SECTION 3.** This act shall take effect upon its passage.

Approved February 8, 2007.

### **Chapter 5. AN ACT RELATIVE TO THE ACCEPTANCE OF CHAPTER 40N OF THE GENERAL LAWS IN THE TOWN OF MARBLEHEAD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 27 of chapter 40N of the General Laws or any other general or special law to the contrary, the acceptance of said chapter 40N, in whole or in part, in the town of Marblehead shall be effective only upon acceptance by a majority vote of the town meeting.

**SECTION 2.** This act shall take effect upon its passage.

Approved February 8, 2007.

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**Chapter 6. AN ACT AUTHORIZING THE TOWN OF MONROE TO EXEMPT CERTAIN PROPERTY FROM TAXATION.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the town of Monroe may exempt a privately owned electric generation facility from local property taxation pursuant to chapter 59 of the General Laws for a period not to exceed 25 years upon the execution of, and compliance with, an agreement between said electric generation facility and the town of Monroe for a payment in lieu of taxes by said electric generation facility to the town of Monroe; provided, however, that the town of Monroe may enter into said payment in lieu of taxes agreement provided said agreement is the result of good faith negotiations and represents a good faith attempt to make any payments in lieu of taxes required pursuant to said agreement in an amount equal to the property tax obligations as imposed pursuant to the provisions of said chapter 59. For the purposes of this act, the term electric generation facility shall include all real property and all personal property used in connection with the production, transmission and distribution of electricity.

Approved February 8, 2007.

**Chapter 7. AN ACT ESTABLISHING AN OFFICE OF FINANCE IN THE TOWN OF SPENCER.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, there is hereby established in the town of Spencer, hereinafter referred to as the town, an office of finance, which shall be responsible for the overall management and administration of the town's financial operations and services.

The office of finance shall be comprised of a department of the treasury, a department of assessing, and a department of accounting. It shall be under the direction of a director of finance, in this act called the director, who shall be 1 of the persons charged with the daily direction of a department within the office of finance and hereinafter referred to as the director, who shall be responsible to the town administrator for the duties specified in this act.

The director shall be appointed by, and serve at the pleasure of, the town administrator. If removed as director, such person shall continue to hold the position which he had been filling until such time as he vacates the position, fails of reelection or reappointment, or is otherwise lawfully terminated or removed. For their additional services as director, he shall be paid an additional compensation of 5 per cent of the compensation they otherwise receive for the daily direction of a department within the office of finance, not to exceed the annual sum of \$1,000, or such higher annual sum as may be established and paid in accordance with the town's classification and compensation plan.

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## Chap. 7

The director shall be a person qualified in accordance with applicable by-laws of the town, if any, and shall be suited especially by education, training, and experience to perform the duties of director. The director shall devote full time to the duties of this position, which duties shall also encompass the director's daily oversight of a department within the office of finance. The director shall not engage in any other employment, the responsibilities of which are inherently incompatible to the duties of this position or to the underlying position to which they were elected or appointed, except with the prior written approval of the town administrator. Such approval shall be determined, in the sole discretion of the town administrator, on the basis of whether or not the business or occupation would conflict with the director's ability to discharge his duties for the town with undivided loyalty and fidelity.

The responsibilities and duties of the director shall include, but not be limited to, supervising and directing the office of finance and performing such other financial related duties and responsibilities as may be assigned by the town administrator or required by statute or by-law.

There shall be within the office of finance a department of the treasury, which shall be under the daily direction and control of a treasurer/collector. The treasurer/collector shall have all the power, duties, and responsibilities vested by statute or by-law in the offices of treasurer and collector. The treasurer/collector shall be elected for a 3-year term. This section shall not take effect until the regular annual town election to be held in 2008. The incumbents in the offices of treasurer and collector on the effective date of this act shall continue to hold said offices and to perform the duties thereof until the expiration of their terms and the qualification of a treasurer/collector; provided, however, that in the event there is an earlier vacancy in either of such positions, the 2 positions shall thereupon be combined and the remaining incumbent shall assume the duties and responsibilities of the combined treasurer/collector position.

(1) There shall be within the office of finance a department of assessing which shall be under the daily direction and control of a principal assessor. The principal assessor shall be appointed by the town administrator for a term not to exceed 3 years; such appointment shall be made after consultation with the board of assessment certification and appeal. The principal assessor shall be a person of demonstrated professional ability, education, training, and experience in municipal assessment and taxation. The principal assessor shall be responsible for the day to day operations of the department of assessing, shall be responsible for the efficient administration of that department, and shall perform such other duties as may be assigned from time to time. The principal assessor shall exercise and perform all the powers, duties, and responsibilities vested in the office of assessor by statute or by-law, subject, however, to the certification of value authority and the appellate review of the board of assessment certification and appeal as hereinafter provided.

(2) There shall be a board of assessment certification and appeal comprised of 3 persons elected for staggered 3-year terms. The board of assessment certification and appeal shall exercise and perform those powers, duties and responsibilities vested by statute or by-



law in the office of assessor with respect to (a) the certification of value of real and personal property for tax assessment purposes, (b) the application of exemptions, and (c) the granting of abatements.

(3) This section shall take effect at the regular annual town election to be held in 2008. The incumbent members of the board of assessors on the effective date of this act shall complete the terms for which they were elected and shall receive such compensation as fixed by town meeting subject to appropriation. The principal assessor and the elected members of the board of assessment certification and appeal shall be required to take the oath of office as required by section 29 of chapter 41 of the General Laws and to comply with training and certification requirements of the department of revenue.

There shall be within the office of finance a department of accounting which shall be under the daily direction and control of a town accountant. The town accountant shall be appointed by the town administrator for a term not to exceed 3 years. The town accountant shall have all the powers, duties, and responsibilities vested by statute or by-law in the office of town accountant.

**SECTION 2.** No person charged with the daily direction of an office within the office of finance shall hold any other position within that office except for director of finance. No person elected to the board of assessment certification and appeal shall hold any other position within the office of finance.

The town, by by-law, may establish additional requirements and standards for the office of finance and may modify and amend the organization and structure of said department; provided, however, that all such modifications and amendments are not inconsistent with the provisions and purposes of this act. Nothing in this act shall preclude the town from making any elected position an appointed position as otherwise permitted by law.

The town administrator shall appoint the director and non-elected department heads and staff within the office. The appointment and removal of the director and non-elected department heads shall be made in accordance with the provisions of the Spencer governmental act except as modified herein.

The town administrator shall have the authority to assign additional tasks to any department or office established herein as shall be consistent with best management practices or as required by statute, by-law, or policy directives of the board of selectmen.

All persons appointed to a position having a specific term hereunder shall continue to serve until their successor is appointed and duly qualified.

Upon the effective date of this act, all records, property, equipment, and facilities owned by the town and under the control of the offices, boards, or commissions which are abolished or superseded by this act shall be transferred to and be under the control of the office or department succeeding thereto.

All laws, special legislation, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town on the effective

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## **Chap. 7**

date of this act, or any portion or portions thereof, that are inconsistent with the provisions of this act shall be deemed rescinded or of no further force and effect to the extent of such inconsistency. Nothing contained herein shall impair contractual rights established prior to the effective date of this act.

**SECTION 3.** This act shall take effect upon its passage.

Approved February 8, 2007.

## **Chapter 8. AN ACT RELATIVE TO HEALTH BENEFITS IN THE TOWN OF NORTH ANDOVER.**

*Be it enacted, etc., as follows:*

Notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, health insurance benefits for elected officials shall not be provided by the town of North Andover.

Approved February 8, 2007.

## **Chapter 9. AN ACT ESTABLISHING A GOLF COURSE CAPITAL IMPROVEMENT FUND IN THE TOWN OF DENNIS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, there shall be a special fund in the town of Dennis to be known as the Golf Courses Capital Improvement Fund. There shall be deposited into the fund, without further appropriation, a portion of the revenue collected from the operation of the Dennis golf courses. Appropriations from the fund shall be made by the town of Dennis only for golf-related capital improvements.

**SECTION 2.** Five per cent of the total greens fees and \$100 from each adult golf membership fee as calculated on June 30 of each year shall be deposited into the fund on an annual basis. The board of selectmen may, if authorized by by-law, increase or decrease the amount of golf revenue that shall be deposited into the fund.

**SECTION 3.** The Golf Courses Capital Improvement Fund shall be maintained by the town treasurer as a separate account, subject to chapter 44 of the General Laws, and any interest earned thereon shall be credited to and become part of the separate account.

**SECTION 4.** This act shall take effect upon its passage.

Approved February 8, 2007.

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**Chapter 10. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANTHONY FERRARA, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, or rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Anthony Ferrara, an employee of said department. Any employee of said department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by said Anthony Ferrara. Whenever said Anthony Ferrara terminates employment with said department or request to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the department of revenue paid leave bank.

Approved February 8, 2007.

**Chapter 11. AN ACT RELATIVE TO THE SEWERAGE FACILITIES AND BETTERMENTS IN THE TOWN OF MILLBURY.**

*Be it enacted, etc., as follows:*

Subsection A of section 3 of chapter 307 of the acts of 1973, as appearing in section 1 of chapter 156 of the acts of 1978, is hereby amended by striking out paragraph 3.

Approved February 8, 2007.

**Chapter 12. AN ACT AUTHORIZING THE TOWN OF FLORIDA TO EXEMPT CERTAIN PROPERTY FROM TAXATION.**

*Be it enacted, etc., as follows:*

**SECTION 1 .** Notwithstanding any general or special law to the contrary, the town of Florida may exempt a privately owned electric generation facility from local property taxation pursuant to chapter 59 of the General Laws for a period not to exceed 25 years upon the execution of, and compliance with, an agreement between said electric generation facility and the town of Florida for a payment in lieu of taxes by said electric generation facility to the town of Florida; provided, however, that the town of Florida may enter into said payment in lieu of taxes agreement provided said agreement is the result of good faith negotiations and represents a good faith attempt to make any payments in lieu of taxes required pursuant

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## Chap. 12

to said agreement in an amount equal to the property tax obligations as imposed pursuant to the provisions of said chapter 59. For the purposes of this act, the term electric generation facility shall include all real property and all personal property used in connection with the production, transmission and distribution of electricity.

**SECTION 2.** This act shall take effect upon its passage.

Approved February 8, 2007.

## **Chapter 13. AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO ENTER INTO A CERTAIN LEASE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of North Attleborough, acting by and through its board of selectmen may negotiate and subject to the approval of town meeting, enter into a lease for 50 years, with options for 3 additional 10 year terms, with the North Attleborough Golf Club Group to develop and operate a public golf facility on land known as the Mount Hope Street Sanitary Landfill and adjacent property of land identified as Lot 28 and portions of Lots 63, 66, 67 and 131 on Assessors Plot 33 Lot 576 of Assessors Plot 34.

**SECTION 2.** This act shall take effect upon its passage.

Approved February 8, 2007.

## **Chapter 14. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANN BREVIK, AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the commissioner of the department of social services shall establish a sick leave bank for Ann Brevik, an employee of said department. Any employee of the department of social services may voluntarily contribute 1 or more sick, personal or vacation days to said sick leave bank for use by said Ann Brevik. Whenever said Ann Brevik terminates employment with said department or re-



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## Chap. 14

quests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved February 14, 2007.

## Chapter 15. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO RELEASE AN EASEMENT OVER LAND.

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Westborough, acting by and through its board of selectmen, may execute a release of an access easement over and encumbering a certain parcel of land located along Gleason street in the town of Westborough, shown as Parcel No. 3 on Town Assessor's Map No. 18 and nor or formerly owned by Mary E. Ward (the "Ward land"), said easement benefiting adjacent town-owned land acquired for the construction, use and maintenance of the town's water treatment plant.

**SECTION 2.** In consideration for the release authorized in section 1, the town shall obtain from the owners of the Ward land an executed release of 2 easements over and encumbering the town-owned land, which is shown as Parcel No. 15 on town Assessor's Map No. 25; all 3 easement interests are shown on a plan of land entitled "Plan of Land, Gleason Street, Westborough, MA", prepared by Waterman Design Associates, Inc., dated January 31, 2005, as revised on March 1, 2005.

**SECTION 3.** This act shall take effect upon its passage.

Approved February 14, 2007.

## Chapter 16. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2007 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith appropriations for the fiscal year beginning July 1, 2006 and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2007, the sums set forth in sec-



**Chap. 16**

tion 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Office of the Secretary*

1599-2006 .....\$3,000,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Transitional Assistance*

4403-2120 .....\$2,742,949

4408-1000 .....\$4,075,294

*Department of Public Health*

4513-1010 .....\$900,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY**

*Department of State Police*

8100-0006 .....\$4,500,000

*Military Division*

8700-0001 .....\$1,095,240

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Office of the Secretary*

1599-4216 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher

	education and the Massachusetts Community College Council and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$3,228,802
1599-4217	For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Association of Professional Administrators, MTA/NEA, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$682,270
1599-4218	For a reserve to meet the fiscal year 2007 costs of salary adjust-	

ments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 888, at the North, Middle and South Berkshire Registry of Deeds, the American Federation of State, County and Municipal Employees, Council 93, Local 653, at the Essex North and South Registry of Deeds, the American Federation of State, County and Municipal Employees, Council 93, Local 414, at the Middlesex South Registry of Deeds, the Office and Professional Employees International Union, Local 6, at the Middlesex South Registry of Deeds, the Office and Professional Employees International Union, Local 6, at the Middlesex North Registry of Deeds, the Office and Professional Employees International Union, Local 6, at the Hampden Registry of Deeds, the Service Employees International Union, Local 888, at the Suffolk Registry of Deeds, the Service Employees International Union, Local 888, at the Worcester North Registry of Deeds, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$238,809

1599-4219 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Franklin sheriff's department and the International Brotherhood of Teamsters, Local 404, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary

to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$85,447

1599-4220 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the Middlesex Sheriff's Superior Officers Association and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$147,116

1599-4221 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the Teamsters Local 122 and to meet



the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....

\$13,671

1599-4222 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the Sheriff's Office Treatment Association and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....

\$28,495

1599-4223 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collec-

	tive bargaining agreement between the Hampshire sheriff's department and the Non-Uniform Correctional Association and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$56,632
1599-4224 For	a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the Hampshire Sheriff's Office Jail and House of Correction Supervisory Correctional Officers Association and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$38,977

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1599-4225	For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the Law Enforcement and Security Union, United Food and Commercial Workers Union and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$116,495
1599-4226	For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth county sheriff and the International Brotherhood of Correctional Officers R1-227 and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with	

	a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$146,892
1599-4227	For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Dukes county sheriff and the Massachusetts Correction Officers Federated Union, Units A and B, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$53,167
1599-4228	For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Norfolk county sheriff and the County Correctional Officer Association, Supervisory and Non-Supervisory Units and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year	



2007 such amounts as may be necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$869,849

**SECTION 3.** Section 31 of chapter 9 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:— From March 15, 2003 through June 30, 2011, all surcharges on fees collected pursuant to this section shall be forwarded to the Registers Technology Fund, established in section 2JJJ of chapter 29. From July 1, 2011, all of the surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

**SECTION 4.** Section 3 of chapter 40A of the General Laws is hereby further amended by striking out the first paragraph, as amended by section 36 of the chapter 123 of the acts of 2006, and inserting in place thereof the following paragraph:—

No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to the General Laws. For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered

to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

**SECTION 4A.** The fifth sentence of section 3 of chapter 192 of the acts of 1994, as appearing in section 2 of chapter 3 of the acts of 2005, is hereby amended by striking out the words “and the house chairman of the committee on economic development and emerging technologies” and inserting in place thereof the following words “and the senate and house chairmen of the committee on economic development and emerging technologies”.

**SECTION 5.** Item 9700-0100 of section 2 of chapter 45 of the acts of 2005 is hereby further amended by striking out the words “February 15, 2007”, inserted by section 122 of chapter 122 of the acts of 2006, and inserting in place thereof the following words:— September 1, 2007.

**SECTION 6.** Said item 9700-0100 of said section 2 of said chapter 45 of the acts of 2005 is hereby further amended by striking out the words “April 1, 2007”, inserted by section 123 of said chapter 122, and inserting in place thereof the following words:— October 15, 2007.

**SECTION 7.** Said item 9700-0100 of said section 2 of said chapter 45 is hereby further amended by striking out the words “and provided further, that for the purpose of the programs appropriated funds may be expended through April 1, 2007” inserted by section 124 of chapter 122 of the acts of 2006, and inserting in place thereof the following words:— and provided further, that for the purpose of the programs, appropriated funds may be expended through October 15, 2007.

**SECTION 8.** Item 1599-2006 of section 2A of chapter 58 of the acts of 2006 is hereby amended by striking out the words “and the division of insurance” and inserting in place thereof the following words:— the division of unemployment assistance and the division of insurance; provided further, that the secretary shall transfer not more than \$3,000,000 from this item to the division of unemployment assistance to support development and implementation costs associated with carrying out the division’s responsibilities under section 188 of chapter 149 of the General Laws.

**SECTION 9.** Item 1108-5200 of section 2 of chapter 139 of the acts of 2006 is hereby amended by striking out the figure “\$976,037,643” and inserting in place thereof the following figure:— \$966,037,643.

**SECTION 10.** Item 4403-2000 of said section 2 of said chapter 139 is hereby amended by striking out the figure “\$296,555,455” and inserting in place thereof the following figure:— \$289,555,455.

**SECTION 11.** Item 4513-1010 of said section 2 of said chapter 139 is hereby amended by striking out the figure “\$3,500,000” and inserting in place thereof the following figure:— \$4,400,000.

**SECTION 12.** Item 7007-0900 of said section 2 of said chapter 139 is hereby amended by striking out the words “; provided further, that said office shall grant not less than \$5,000,000 to the Massachusetts International Marketing Partnership Incorporated, the

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business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share".

**SECTION 13.** Item 7061-9010 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that, if the amount appropriated is sufficient to fully fund all reimbursements required by said section 89, and additional funds remain available for appropriation, funds shall be expended from this item to provide one-time payments to ensure that no charter school receives less funding in fiscal year 2007 than it would have received had tuition been calculated pursuant to subsection (nn) of said section 89 and chapter 70 of the General Laws as in effect prior to July 1, 2006.

**SECTION 14.** Item 8100-0006 of said section 2 of said chapter 139 is hereby amended by striking out the figure "\$15,500,000" and inserting in place thereof the following figure:— \$20,000,000.

**SECTION 15.** Section 1 of chapter 153 of the acts of 2006 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- This retention shall not be subject to chapter 7 or chapter 30 of the General Laws.

**SECTION 16.** Said chapter 153 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Once the interstate highway route 90 connector tunnel is re-opened, there shall be appropriated \$20,000,000 from the General Fund for a comprehensive critical infrastructure safety audit of all tunnels which are part of the metropolitan highway system. The executive office of transportation shall retain the services of an independent inspection firm or consultant to conduct such audit. Such retention shall not be subject to chapter 7 or chapter 30 of the General Laws. The governor, after consultation with the executive office of transportation, may order the closure of any tunnel deemed unsafe for travel.

**SECTION 17.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer any remaining appropriated funds for fiscal year 2007 in item 7004-0000 to item 0411-1000, as of the effective date of this act.

**SECTION 18.** Notwithstanding any general or special law to the contrary, employees covered by the terms of the collective bargaining agreements in item 1599-4131 of section 2A of chapter 192 of the acts of 2006 who, after July 1, 2001, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 1, 2001, shall be paid, not later than 30 days after the effective date of this act, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2001 to June 30, 2002, inclusive; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of a collective bargaining agreements in any of said items 1599-4131 of said section 2A and who retired after July 1, 2001, shall be calculated as though the employee's regular compensation for any period of employment from



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July 1, 2001 to June 30, 2002, inclusive had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee's retirement allowance, including payments retroactive to the effective date of retirement.

Employees covered by the terms of the collective bargaining agreements in item 1599-4133 of section 2A of chapter 192 of the acts of 2006 who, after July 1, 2001, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 1, 2001, shall be paid, not later than 30 days after the effective date of this act, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2001 to June 30, 2002, inclusive; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of a collective bargaining agreements in any of said item 1599-4133 of said section 2A of chapter 192 of the acts of 2006, and who retired after June 30, 2001, shall be calculated as though the employee's regular compensation for any period of employment from July 1, 2001 to July 1, 2002, inclusive, had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee's retirement allowance, including payments retroactive to the effective date of retirement.

Approved February 22, 2007.

*This bill was returned on February 22, 2007, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:*

*Items Disapproved:*

**SECTION 3.**

## **Chapter 17. AN ACT RELATING TO THE RAILROAD DEPOT CONTAMINATION REMEDIATION AND REDEVELOPMENT PROJECT IN THE CITY OF NEW BEDFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of New Bedford and the New Bedford Redevelopment Authority may construct an engineered environmental barrier at the railroad depot site, construct a railyard at such site, reconstruct mainline tracks, turn-around tracks, lead tracks and industrial tracks at such site, work in partnership with the United States Environmental Protection Agency and construct a rail spur to transport dewatered sediments from the New Bedford Harbor across such site. The city and the New Bedford Harbor development

commission may construct a ferry terminal in the vicinity of said site and parking lot at said site; and the city, the New Bedford Redevelopment Authority and the New Bedford Harbor development commission may redevelop any portion of such site into 1 or more other transportation facilities, other necessary public facilities or into commercial or industrial uses; all such components collectively referred to as the railroad depot project. In order to carry out the portions of the railroad depot project, the city, the New Bedford Redevelopment Authority and the New Bedford Harbor development commission may: (1) develop, construct, improve, enlarge, reconstruct, alter, demolish and remediate any portion of such project site and facilities; (2) sell, convey, acquire, mortgage, lease, transfer, exchange or otherwise dispose of, any property, both real and personal, or any interest therein, necessary or desirable for such project; (3) operate and maintain any portion of such project; (4) enter into any agreements necessary or desirable to carry out such project; and (5) do all acts and things necessary or convenient to carry out the purposes enumerated in this act. All agreements entered into by the city, the New Bedford Redevelopment Authority or the New Bedford Harbor development commission to carry out any portion of the railroad depot project authorized under this section and all costs incurred or paid in connection with such project, are hereby ratified, validated and confirmed. All actions taken by the New Bedford Redevelopment Authority and by the New Bedford Harbor development commission to carry out the railroad depot project following the effective date of this act shall be subject to the approval of the mayor of the city. The mayor of the city may require, in the mayor's sole discretion, that the New Bedford Redevelopment Authority or the New Bedford Harbor development commission transfer control of and responsibility for all or any portion of the railroad depot project to the city, assign any agreements related thereto to the city, provide all records related thereto to the city and otherwise cooperate with the city in connection with any such transfers of control and responsibility.

**SECTION 2.** The city of New Bedford is authorized to borrow from time to time such sums of money as may be necessary, not to exceed the aggregate amount of \$12,470,000, for the purpose of paying the costs of all or any portion of the railroad depot project authorized pursuant to section 2 incurred by the city, the New Bedford Redevelopment Authority or the New Bedford Harbor development commission, or to reimburse the city for the payment of any such costs incurred prior to the effective date of this act, and for issuance costs and other expenses necessary or incidental to the project. Bonds or notes issued under this act may be issued as qualified bonds or notes under chapter 44A of the General Laws, shall be issued for a term not to exceed 30 years from their date of issue, and the maturities of any bonds issued by the city under this act either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the city treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. Bonds or notes issued under this act shall be outside the limit of indebtedness prescribed in section 10 of chapter

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44 of the General Laws, except as otherwise provided in this act, shall be subject to the applicable provisions of said chapter 44.

**SECTION 3.** The order of the New Bedford city council approved by the mayor on March 17, 2003, by the orders of the city council approved by the mayor on June 25, 2004 and June 22, 2006, authorizing the city to issue bonds and notes for the costs of the railroad depot project authorized pursuant to section 1 is hereby ratified, validated and confirmed.

**SECTION 4.** The New Bedford harbor development commission shall reimburse the city of New Bedford for any costs of the railroad depot project incurred by the New Bedford Harbor development commission and paid by the city that are authorized pursuant to section 1 in an aggregate amount not exceeding \$600,000 from any net income of the commission to the same extent and in the same manner as provided in section 6 of chapter 762 of the acts of 1957, with respect to debt service on bonds or notes of the city issued under said act; provided, however, that the amount of such costs so reimbursed by the commission shall not exceed the sum of \$60,000 in any fiscal year of the commission.

**SECTION 5.** The city of New Bedford may initiate actions to recover any and all costs associated with the railroad depot project authorized pursuant to this act from any other party or parties responsible for the contamination of the project, and, at the request of any other public or quasi-public entities responsible for such contamination, the city may act as the agent of any such entity in any such actions. The recovery of such costs pursuant to this act from potentially responsible parties shall not foreclose the city or any such other public or quasi-public entity from any other actions allowed by law against such responsible parties. Nothing in this act shall affect the rights and powers of the commonwealth or the department of environmental protection under chapter 21E of the General Laws in connection with the railroad depot project.

**SECTION 6.** This act shall take effect upon its passage.

Approved February 22, 2007.

## **Chapter 18. AN ACT VALIDATING THE ACTIONS TAKEN AT A CERTAIN ELECTION HELD IN THE TOWN OF WAREHAM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 10 of chapter 41 of the General Laws or of any other general or special law to the contrary, the actions of the town of Wareham with regard to the placement of the office of selectman on the ballot to fill a vacancy at the April 3, 2007 annual town election, and all actions taken pursuant thereto are hereby ratified, validated and confirmed, notwithstanding the failure to notify the town clerk to place the office on the ballot within the time frame provided by law.

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**SECTION 2.** This act shall take effect upon its passage.

Approved March 5, 2007.

### **Chapter 19. AN ACT REORGANIZING THE GOVERNOR'S CABINET AND CERTAIN AGENCIES OF THE EXECUTIVE DEPARTMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 6 of the General Laws is hereby amended by striking out section 17A and inserting in place thereof the following section:-

Section 17A. There shall be a cabinet, which shall serve under the governor. The cabinet shall consist of the secretary of administration and finance, the secretary of elder affairs, the secretary of energy and environmental affairs, the secretary of health and human services, the secretary of housing and economic development, the secretary of labor and workforce development, the secretary of public safety and security, the secretary of transportation and public works, and other officers of the executive department that the governor may from time to time designate.

**SECTION 2.** Section 56 of chapter 6, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be in the executive office of labor and workforce development a commission to be known as the Massachusetts Commission Against Discrimination.

**SECTION 3.** Chapter 6A of the General Laws is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. There shall be the following executive offices, each of which shall serve under the governor: administration and finance, energy and environmental affairs, health and human services, housing and economic development, labor and workforce development, public safety and security, transportation and public works.

**SECTION 4.** Section 3 of chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Each secretary may, notwithstanding section 45 of chapter 30 and chapter 31, subject to the approval of the governor and subject to appropriation, appoint 1 or more undersecretaries for the executive office, each of whom shall serve at the pleasure of her appointing secretary.

**SECTION 5.** Section 8B of chapter 6A is hereby repealed.

**SECTION 6.** Subsection (a) of section 16G of chapter 6A, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the executive office of housing and economic develop-



ment, there shall be a department of business and technology, a department of consumer affairs and business regulation, and a department of housing and community development.

**SECTION 7.** Section 16G of chapter 6A, as so appearing, is hereby further amended by striking out, in lines 19 to 21, the words “, the department of telecommunications and energy, the division of professional licensure and the division of energy resources” and inserting in place thereof the following words:- and the division of professional licensure.

**SECTION 8.** Section 16G of chapter 6A, as so appearing, is hereby further amended by striking out subsections (d) and (e).

**SECTION 9.** Subsection (f) of section 16G of chapter 6A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The secretary of housing and economic development shall be appointed by the governor and shall be a person of skill and experience in the fields of housing and economic development.

**SECTION 10.** Section 4G of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “; the Massachusetts commission against discrimination”.

**SECTION 11.** The title of chapter 21A of the General Laws is hereby amended by inserting after the word “OF” the following words:- ENERGY AND.

**SECTION 12.** Section 1 of chapter 21A, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word “of”, in line 1 and line 3, in each instance, the following words:- energy and.

**SECTION 13.** Section 7 of chapter 21A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the executive office shall be an office of the secretary, a department of environmental protection, a department of conservation and recreation, a department of agricultural resources, a department of fish and game, a department of public utilities, and a division of energy resources.

**SECTION 14.** The title of chapter 23 of the General Laws is hereby amended by striking out the word “DEPARTMENT” and inserting in place thereof the following words:- “EXECUTIVE OFFICE”.

**SECTION 15.** Chapter 23 is hereby further amended by striking out section 1 and inserting in place thereof the following 2 sections:-

Section 1. There shall be an executive office of labor and workforce development, which shall be under the supervision and control of a secretary of labor and workforce development, appointed by the governor. The secretary of labor and workforce development may, pursuant to chapter 30A, adopt regulations for the implementation or interpretation of any law enforced or administered by any department, office, agency, or other entity in the executive office of labor and workforce development. In the executive office shall be the department of labor, the department of workforce development, and the Massachusetts Commission Against Discrimination.



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Section 1A. (a) In the executive office of labor and workforce development, there shall be a department of labor, in this chapter called the department.

(b) Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for other necessary expenses of the department. The department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the department in the discharge of its duties.

(c) The following state agencies shall be in the department of labor: the division of industrial accidents, the division of conciliation and arbitration, the labor relations commission, the joint labor-management committee, and the division of occupational safety.

**SECTION 16.** The first paragraph of section 1 of chapter 23B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- In the executive office of housing and economic development, there shall be a department of housing and community development, in this chapter called the department, which shall be under the supervision and control of an undersecretary for housing and community development, in this chapter called the undersecretary or the director. The undersecretary shall be appointed by the secretary of housing and economic development, with the approval of the governor, for a term coterminous with that of the governor, shall serve at the pleasure of the secretary, and shall not be subject to section 9A of chapter 30 or chapter 31.

**SECTION 17.** Section 1 of chapter 23H of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word “economic” and inserting in place thereof the following words:- labor and workforce.

**SECTION 18.** Section 1 of chapter 23H, as so appearing, is hereby further amended by adding the following subsection:-

(d) The following state agencies and funds shall be in the department of workforce development: the one stop career centers, the state workforce investment board, the division of apprentice training, the commonwealth corporation, the workforce training fund, and the division of unemployment assistance. The division of unemployment assistance shall include the medical security trust fund and the unemployment insurance trust fund.

**SECTION 19.** Subsection (a) of section 1 of chapter 24A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Within the executive office of housing and economic development, there shall be an office of consumer affairs and business regulation, in this chapter called the office.

**SECTION 20.** Subsection (b) of section 1 of chapter 24A, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be within the office the following divisions containing the following state agencies or functions: (1) the division of business regulation, including the department

of telecommunications and cable and all other state agencies within that department; the department of banking and insurance and all other state agencies within that department, including the small loans regulatory board and the trustees of the General Insurance Guaranty Fund; and the state racing commission; (2) the division of consumer affairs, including the division of registration established by section 8 of chapter 13, including the several boards of registration serving in that division; and (3) the division of standards, established by section 5.

**SECTION 21.** Section 1 of chapter 25 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

**SECTION 22.** Section 2 of chapter 25, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The department shall be under the supervision and control of the commonwealth utilities commission, in this chapter called the commission, which shall consist of 3 members, 2 of whom shall be appointed and may be removed by the secretary of energy and environmental affairs for a term coterminous with that of the governor. The third member shall be appointed and may be removed by the secretary for a term of 4 years. The secretary shall designate one commissioner as chairman, who shall serve as chairman for 2 years, and may be reappointed, unless removed as chairman by the secretary, with the approval of the governor. Commission members shall have background or expertise in electricity or natural gas matters. Any appointment or removal by the secretary under this section shall require the approval of the governor. The commissioners shall devote their full time to the duties of their office. Not more than 2 members of the commission shall be members of the same political party. Any decision made or order issued by the commission may be made by majority vote of a quorum of 2 members.

**SECTION 23.** Section 2A of chapter 25, as so appearing, is hereby amended by striking out, in line 2, the words “consumer affairs and business regulation” and inserting in place thereof the following words:- energy and environmental affairs.

**SECTION 24.** Section 4 of chapter 25, as so appearing, is hereby amended by striking out, in lines 16 to 18, the words “two or more commissioners shall participate and in the decision of all such matters at least three of the commissioners shall participate” and inserting in place thereof the following words:- at least 2 commissioners shall participate and in the decision of all such matters at least 2 commissioners shall participate.

**SECTION 25.** Section 12E ½ of chapter 25 is hereby repealed.

**SECTION 26.** The first paragraph of section 18 of chapter 25, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission may make an assessment against each electric and gas company under the jurisdictional control of the department and each generation company and supplier licensed by the department to do business in the commonwealth, based upon the intrastate operating revenues subject to the jurisdiction of

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## Chap. 19

the department of each such company derived from sales within the commonwealth of electric and gas service, respectively, as shown in the annual report of each such company to the department.

**SECTION 27.** Section 18 of chapter 25, as so appearing, is hereby further amended by striking out the words “by a telephone or telegraph company under the provisions of said chapter 159 or” in lines 68 and 69.

**SECTION 28.** Section 1 of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “office of consumer affairs and business regulation” and inserting in place thereof the following words:- executive office of energy and environmental affairs.

**SECTION 29.** The General Laws are hereby amended by inserting after chapter 25B the following chapter:

### **CHAPTER 25C.**

#### **DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Section 1. There shall be in the office of consumer affairs and business regulation a department of telecommunications and cable, in this chapter called the department, for the general supervision of telephone and telegraph companies subject to chapter 166 and community antenna television systems as defined in section 1 of chapter 166A.

Section 2. The department shall be under the supervision and control of a commissioner who shall be appointed by the governor for a term coterminous with that of the governor, and who shall serve at the pleasure of the governor. The commissioner shall devote his full time to the duties of his office. The position of commissioner shall be classified in accordance with sections 45 and 46C of chapter 30.

Section 3. The commissioner shall be sworn to the faithful performance of his official duties. The commissioner shall not own, or be in the employ of, or own any stock in any regulated industry company, nor shall he be in any way directly or indirectly pecuniarily interested in or connected with any such regulated industry company or in the employ or connected with any person financing any regulated industry company. The commissioner shall not personally or through any partner or agent render any professional service or make or perform any business contract with or for any regulated industry company, nor shall he directly or indirectly receive any commission, bonus, discount, present, or reward from any regulated industry company. For the purposes of this section, a regulated industry company shall be defined as any corporation, city, town or other governmental subdivision, partnership or other organization, or any individual engaged within the commonwealth in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation of the department by any provision of law except chapter 110A and chapter 651 of the acts of 1910, as amended.

Section 4. The commissioner shall have and exercise supervision and control over all the affairs of the department. He shall preside at all hearings at which he is present, and shall designate an employee of the department to act as presiding officer in his absence.



Section 5. Notwithstanding clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66, the department may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the department shall protect only so much of the information as is necessary to meet such need. The commissioner shall adopt procedural regulations consistent with this section to implement this section.

Section 6. There shall be in the department and under the supervision and control of the commissioner a division of telecommunications. The division, subject to such supervision and control, shall perform functions that the commissioner may determine in relation to the administration, implementation, and enforcement of the department's authority over the telecommunications industry, including, but not limited to, the authority granted by chapters 25, 30A, 159 and 166. The commissioner shall annually prepare and submit to the governor and the general court, on or before the first Wednesday of November, a report of the division's activity and of the condition of the telecommunications industry within the commonwealth during the preceding fiscal year, together with recommendations which the commissioner considers necessary or desirable.

Section 7. The commissioner may make an assessment against each cable television, telephone and telegraph company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each such company derived from sales within the commonwealth of cable television, telephone and telegraph service, respectively, as shown in the annual report of each company to the department. These assessments shall be made at a rate not exceeding 0.2 per cent of such intrastate operating revenues, as shall be determined and certified annually by the commissioner as sufficient to reimburse the commonwealth for funds appropriated by the general court for the operation and general administration of the department, exclusive of the cost of fringe benefits as established by the secretary of administration and finance pursuant to section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. The funds may be used to compensate consultants in hearings on petitions filed by companies subject to assessment under this section. Assessments made under this section may be credited to the normal operating cost of each company. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the General Fund. Any funds unexpended in any fiscal year for the purposes for which such assessments were made shall be credited against the assessment to be made in the following fiscal year and the assessment in the following fiscal year shall be reduced by any such unexpended amount.

**SECTION 30.** Section 10 of chapter 159 of the General Laws, as appearing in the

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2004 Official Edition, is hereby amended by striking out, in line 1, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

**SECTION 31.** Section 3 of chapter 159A of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

**SECTION 32.** Section 1 of chapter 160 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

**SECTION 33.** Section 1 of chapter 161 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

**SECTION 34.** Section 1 of chapter 162 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

**SECTION 35.** Section 1 of chapter 163 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

**SECTION 36.** Section 1 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

**SECTION 37.** The second paragraph of section 69H of chapter 164, as so appearing, is hereby amended by striking out the first, second, and third sentences and inserting in place thereof the following sentences:- The board shall be composed of the secretary of energy and environmental affairs, who shall serve as chairman, the secretary of housing and economic development, the commissioner of the department of environmental protection, the commissioner of the division of energy resources, 2 commissioners of the commonwealth utilities commission, or the designees of any of the foregoing, and 3 public members to be appointed by the governor for a term coterminous with that of the governor, 1 of whom shall be experienced in environmental issues, 1 of whom shall be experienced in labor issues, and 1 of whom shall be experienced in energy issues.

**SECTION 38.** The third paragraph of section 69H of chapter 164, as so appearing, is hereby amended by striking out the first sentence.

**SECTION 39.** Section 69H of chapter 164, as so appearing, is hereby further amended by striking out, in line 45, the words “director of consumer affairs and business regulation” and inserting in place thereof the following words:- commissioner of energy resources.

**SECTION 40.** Section 1 of chapter 164A of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

**SECTION 41.** Section 1 of chapter 165 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

**SECTION 42.** Section 4 of chapter 166 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

**SECTION 43.** Section 5 of chapter 166, as so appearing, is hereby amended by adding the following sentence:- In this chapter, “department” or “department of telecommunications and energy” means the department of telecommunications and cable.

**SECTION 44.** Section 7 of chapter 166, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

**SECTION 45.** Section 8 of chapter 166, as so appearing, is hereby amended by striking out, in line 9, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

**SECTION 46.** Section 11 of chapter 166, as so appearing, is hereby amended by striking out, in line 3, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

**SECTION 47.** Section 15E of chapter 166, as so appearing, is hereby amended by striking out, in lines 64, 67, 68, 74, 128 and 134, the words “telecommunications and energy” and inserting in place thereof in each instance the following words:- telecommunications and cable.

**SECTION 48.** Section 44 of chapter 166, as so appearing, is hereby amended by striking out, in lines 11 and 25, the words “telecommunications and energy” and inserting in each instance thereof the following words:- telecommunications and cable.

**SECTION 49.** Section 1 of chapter 166A of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “department of telecommunications and energy established pursuant to chapter 25” and inserting in place thereof the following words:- department of telecommunications and cable established by chapter 25C.

**SECTION 50.** Section 2 of chapter 166A, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph:-

There shall be in the department of telecommunications and cable a division of community antenna television. Subject to section 4 of chapter 25C, the commissioner of the



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department shall have all the powers and duties of the division and the director under this chapter, including, but not limited to, presiding at hearings pursuant to section 2A; the right to maintain or intervene in an action pursuant to section 12; the authority to hear appeals and issue enforcement orders pursuant to section 14; the authority to regulate rates pursuant to section 15; the authority to adopt regulations pursuant to section 16; its enforcement powers pursuant to section 17; and all other authority to carry out the duties and responsibilities of this chapter. Appeals of any decision, order, or ruling of the department may be brought within 14 days of the issuance of the decision to the commissioner of the department. When so requested by any party interested, the department shall rule upon any question of substantive law properly arising in the course of any proceeding before the division within 14 days. Except as otherwise provided in this chapter, appeals taken from the orders of the department shall be taken in the same manner and according to the same procedure as set forth with respect to the department of public utilities in section 5 of chapter 25.

**SECTION 51.** Notwithstanding section 2 of chapter 25 of the General Laws, upon the effective date of this act, the secretary of energy and environmental affairs shall appoint to a two-year term the commissioner of the commonwealth utilities commission whose term is not coterminous with that of the governor.

**SECTION 52.** (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations and functions of state government from the department of telecommunications and energy, solely to the extent that they relate to telecommunications and cable television including but not limited to the divisions of telecommunications and of community antenna television, as transferor agency, to the department of telecommunications and cable, as transferee agency.

(b) Subject to appropriation, the employees of the transferor agency, including those who immediately before the effective date of this act held permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held confidential positions, are hereby transferred to the transferee agency, without interruption of service within the meaning of section 9A of chapter 30, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either held a permanent appointment in a position classified under chapter 31

of the General Laws or had tenure in a position by reason of section 9A of chapter 30 of the General Laws.

(c) Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to bargain collectively pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of chapter 150E.

Nothing in this section shall confer upon any employee any right not held immediately before the date of the transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge or layoff not prohibited before such date; nor shall anything in this section prohibit the abolition of any management position within the divisions of telecommunications or community antenna television after transfer to the department.

(d) All petitions, requests, investigations, filings and other proceedings appropriately and duly brought before the transferor agency, or pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(e) All orders, advisories, findings, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(f) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of the transferor agency, shall be transferred to the transferee agency.

(g) All duly existing contracts, leases and obligations of the transferor agency, shall continue in effect but shall be assumed by the transferee agency. No such existing right or remedy of any character shall be lost, impaired or affected by this act.

(h) Whenever the term “department of telecommunications and energy” appears in any statute, regulation, contract or other document, it shall be taken to mean the department of telecommunications and cable to the extent that it relates to telecommunications or cable television or calls upon the department of telecommunications and energy to take actions relating to telecommunications or cable television. Otherwise, it shall be taken to mean the department of public utilities.

**SECTION 53.** Whenever the following former names of agencies appear in any general or special law, regulation, contract or other document, they shall be taken to mean the following new names of agencies, respectively:

(a) the executive office of environmental affairs, the executive office of energy and environmental affairs;

(b) the executive office of transportation, the executive office of transportation and public works;

(c) the executive office of public safety and homeland security, the executive office of public safety and security;



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(d) the executive office of economic development, the executive office of housing and economic development.

**SECTION 54.** This act shall take effect as soon as it has the force of law under subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.

*The foregoing was filed by the Governor with the General Court on February 9, 2007. Not having been disapproved in either the House of Representatives or the Senate and the General Court not having been prorogued, after 60 days it has the force of law as provided in Article LXXXVII of the Amendments to the Constitution.*

## Chapter 20. AN ACT RELATIVE TO THE MODERNIZATION OF REGISTRIES OF DEEDS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to modernize registries of deeds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 31 of chapter 9 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- From March 15, 2003 until June 30, 2011, all surcharges on fees collected pursuant to this section shall be forwarded to the Registers Technological Fund, established in section 2JJJ of chapter 29. From July 1, 2011 all of the surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

**SECTION 2.** Section 41 of chapter 36 of the General Laws, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- From March 15, 2003 until June 20, 2011, all surcharges on fees collected pursuant to this section shall be forwarded to the County Registers Technological Fund, established in section 2KKK of chapter 29. From July 1, 2011, all of the surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

Approved March 7, 2007.

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**Chapter 21. AN ACT RELEASING CERTAIN LAND IN THE TOWN OF AMHERST FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to release forthwith a certain agricultural preservation restriction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any other general or special law to the contrary, pursuant to section 40E of chapter 7 and section 32 of chapter 184 of the General Laws, the commissioner of capital asset management and maintenance, together with the commissioner of the department of agricultural resources, hereinafter referred to as the department, may execute a certificate of release which, when executed, will constitute a complete and unconditional release of a parcel of land from an agricultural preservation restriction originally granted by Peter J. Wysocki to the commonwealth and the town of Amherst and recorded in book 3405, page 22, at the Hampshire county registry of deeds.

The parcel contains approximately 1.7 acres.

The current owners of the land are Stanley F. Gawle and Dorothy A. Gawle, trustees of the Dorothy A. Gawle and Stanley F. Gawle living trust under declaration of trust, dated January 14, 2004 and by deed, recorded at the Hampshire county registry of deeds, in book 7761, page 118. The current owners may transfer the parcel to J. Roger Cherewatti and Ilona M. Cherewatti, by deed, to be recorded at the Hampshire county registry of deeds.

**SECTION 2.** In consideration of the release of the parcel described in section 1, J. Roger Cherewatti and Ilona M. Cherewatti shall, prior to or concurrently with the conveyance from the trust:

(a) Grant to the commonwealth and to the town of Amherst an agricultural preservation restriction on a parcel of land containing approximately 1.81 acres, shown as parcel 40 on map 9C of the town of Amherst cadastre.

(b) Grant to the commonwealth and to the town of Amherst an agricultural preservation restriction on a parcel of land containing approximately 9.31 acres owned by the trust, contiguous to the parcel.

(c) Donate to the town of Amherst \$25,000 for the acquisition of land to be placed under an agricultural preservation restriction elsewhere in the town of Amherst or to be used toward satisfaction of the obligations of the town of Amherst to the commonwealth under section 4.

**SECTION 3.** The town of Amherst shall appropriate and unconditionally commit for payment \$50,000 for the acquisition of land to be placed under an agricultural preservation restriction elsewhere in the town of Amherst or to be used toward satisfaction of the obligations of the town of Amherst to the commonwealth under section 4.

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**SECTION 4.** Pursuant to section 32 of chapter 184 of the General Laws and Executive Order 193, prior to the department and the commissioner of capital asset management and maintenance executing a certificate of release of the parcel, the department shall receive from the town of Amherst either compensation for the fair market value of the parcel, as determined by an appraisal to be obtained by the town of Amherst satisfactory to the department, or an enforceable written agreement, in this act referred to as the compensation agreement, authorized and approved by the Amherst town meeting in accordance with section 5, which renders the department satisfied, in its sole discretion, that it will receive and be compensated for the fair market value of the parcel no later than the end of the fiscal year 2012. In addition to receiving the fair market value, the department must receive, or be completely satisfied, in its sole discretion, that it will receive, mitigation satisfactory to the department for the loss of farmland subject to an agricultural preservation agreement, pursuant to an enforceable written agreement to be made between the town of Amherst and the department, satisfactory to the department prior to execution of a certificate of release of the parcel.

**SECTION 5.** Upon the execution by the appropriate town authority of the duly authorized and approved compensation agreement, the obligations of the town to make the payments for release of the parcel shall constitute a pledge of the full faith and credit of the town and shall be payable in the same manner and without further action by town meeting, as an obligation incurred in accordance with chapter 44 of the General Laws.

**SECTION 6.** Except as partially released by the recording of the above described certificate of release of the parcel executed by the commissioner of agricultural resources and by the commissioner of capital asset management and maintenance, as authorized by this act, the original agricultural preservation restriction shall remain in full force and effect.

Approved March 7, 2007.

## **Chapter 22. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF FOXBOROUGH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain lands in the town of Foxborough, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The commissioner of capital asset management and maintenance may, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws and any oth-

er general or special law to the contrary, convey by deed a certain parcel of property of commonwealth land, including the improvements thereon, located in the town of Foxborough and further described in section 1 of chapter 504 of the acts of 1990, to Feeling Foxy, LLC. The exact boundaries shall be determined by the commissioner based upon a survey. The parcel consists of approximately 1.53 acres and abuts other land owned by the purchaser. The exact boundaries of the parcel shall be determined by the commissioner based on a survey. The parcel shall be conveyed by release deed in its existing condition without warranties or representations by the commonwealth.

**SECTION 2.** The consideration for the conveyance authorized by this act shall be the full and fair market value of the property, based upon an independent professional appraisal as determined by the commissioner. The inspector general shall review and approve the appraisal and prepare a report of his review of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures, and state assets. The inspector general shall prepare a report of his review and file the report with the commissioner of the division for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. The commissioner shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereto, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereto, the reports, and the comments of the inspector general, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days prior to execution.

**SECTION 3.** The purchaser shall be responsible for all costs associated with the conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording and legal costs, any and all other expenses incurred by the commonwealth in connection with the conveyance and any and all costs or liabilities arising from or connected with ownership of the parcel.

**SECTION 4.** The purchaser and its agents, tenants or contractors agree to hold the commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed from injuries or damages to persons or property arising out of, or in any way relating to, the conveyance authorized by this act, and shall indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or costs.

Approved March 7, 2007.



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**Chapter 23. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CHERYL L. TRAINA, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, or rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Cheryl L. Traina, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Cheryl L. Traina. Whenever Cheryl L. Traina terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the department of revenue paid leave bank.

Approved March 7, 2007.

**Chapter 24. AN ACT RELATIVE TO A CERTAIN TAX EXEMPTION IN THE TOWN OF MONTAGUE.**

*Be it enacted, etc., as follows:*

The board of assessors in the town of Montague may exempt the Brick House Community Resource Center Inc. from paying real estate taxes for the second half of fiscal year 2004; provided, however, that subsequent to the effective date of this act, the town shall issue a refund of any taxes paid by the Brick House Community Resource Center Inc. for said fiscal year in an amount not to exceed \$991.12.

Approved March 7, 2007.

**Chapter 25. AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO ESTABLISH A GROUP INSURANCE LIABILITY FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** In addition to the reasons for which voter approval may be sought as set forth in section 21C of chapter 59 of the General Laws, but subject to the limitations set forth herein, the local appropriating authority of the town of Wellesley may, by a two-thirds vote, seek voter approval at a regular or special election to assess taxes in excess of the amount allowed pursuant to said section 21C for the purpose of funding said town's Group



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Insurance Liability Fund, established by chapter 88 of the acts of 2004 ; provide, however, that the question submitted shall be as follows:-

“Shall the Town of Wellesley be allowed to assess an additional \$ \_\_\_\_ in real estate and personal property taxes for each of the fiscal years in the period beginning July 1, \_\_\_\_, and ending June 30, \_\_\_\_, for the purpose of funding said town’s Group Insurance Liability Fund?”

Yes \_\_\_\_ No \_\_\_\_; and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote “Yes”.

**SECTION 2.** The town may appropriate from the tax levy, from available funds, or from borrowing, contingent upon the passage of the referendum questions under section 1, subject to the provisions set forth in subsection (m) of section 21C of chapter 59 of the General Laws. Adjustments to the town’s limit on property taxes shall be computed as though the town has passed capital outlay exclusions under paragraph (il/2) of section 21C of chapter 59 of the General Laws.

**SECTION 3.** This act shall take effect upon its passage.

Approved March 14, 2007.

## **Chapter 26. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KAREN WHITE, AN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the trial court of the commonwealth shall establish a sick leave bank for Karen White, an employee of the Chelsea division of the district department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Karen White. Whenever Karen White terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid leave bank.

Approved March 21, 2007.

**Chapter 27. AN ACT PROVIDING FOR THE IMMEDIATE CAPITAL IMPROVEMENT NEEDS OF THE COMMONWEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for a program of capital facility repairs and improvements and for a program of transportation development and improvements, the sums set forth in sections 2, 2A and 2B for the several purposes and subject to the conditions specified in this act are hereby made available, subject to the laws regulating the disbursement of public funds, which sums are in addition to any other amounts previously appropriated for these purposes.

**SECTION 2.**

**OFFICE OF THE TREASURER AND RECEIVER-GENERAL.**

*Department of the Treasurer*

0610-2365	For the water pollution abatement trust established by section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established by section 2L of chapter 29 of the General Laws for application by the trust to the purposes specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the federal Clean Water Act . . . . .	\$3,800,000
0610-8910	For the water pollution abatement trust established by section 2 of chapter 29C of the General Laws for deposit in the Drinking Water Revolving Fund established by section 2QQ of chapter 29 of the General Laws for application by the trust to the purposes specified in section 18 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under the federal Safe Drinking Water Act . . . . .	\$5,900,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Division of Capital Asset Management and Maintenance*

1102-1994	For costs associated with planning and studies, the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management, dispositions and demoli-
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tion of or to state owned and former county facilities and grounds, including, but not limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects ..... \$125,000,000

*Information Technology Division*

1790-2015 For costs associated with planning and studies, the preparation of plans and specifications, purchase, and procurement of information technology related equipment and related projects ..... \$75,000,000

1790-2016 For a new statewide performance management system to enable all state agencies and departments to manage their performance by leveraging the vast amount of data that resides in numerous agency applications; provided, that the performance management system shall provide a single platform for reporting, analysis, scorecards, dashboards, event management and business intelligence search services to allow analysts and decision makers to quickly understand, manage and improve their respective operations; provided further, that the performance management system shall allow users to access a single application providing transparency of operational performance, raising program effectiveness, reducing costs, identifying risks and ensuring organizational accountability ..... \$15,000,000

1790-2017 For costs associated with planning and studies, the preparation of plans and specifications, purchase, and procurement of information technology related equipment and related projects for the office of the attorney general ..... \$4,900,000

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

*Office of the Secretary*

2000-2014 For the urban self-help program to provide assistance to cities and towns in the acquisition of land and construction and restoration of parks and recreation areas under chapter 933 of the acts of 1977 and any regulations promulgated by the secretary of energy and environmental affairs to effect this act

or said chapter 933; provided, that notwithstanding any general or special law to the contrary, the title to any land acquired with the funds authorized by this item which is no longer used under said chapter 933 as open space shall revert to the commonwealth to be managed as open space; provided further, that funds may be expended from this item for the costs of services essential to these projects rendered by agency employees or by consultants; provided further, that amounts expended for agency employees may include salary and salary related expenses of these employees to the extent that they work on or in support of these projects . . . . . \$1,700,000

2000-2021 For the development and support of local, regional, and state planning and land management capabilities in support of community preservation efforts, including but not limited to, the development of municipal open space and recreation plans and watershed-wide land conservation plans, and to facilitate coordination of the various land acquisition and development programs under the jurisdiction of the executive office of energy and environmental affairs, and for outreach and education concerning principles of community preservation; provided, that funds may be expended on alternative future analyses based on projected buildouts for commonwealth communities or watersheds; provided further, that the secretary of energy and environmental affairs may provide grants to, including but not limited to, municipalities, regional planning agencies, and other public and non-public entities to implement said programs; provided further, that funds may be expended from this item for the costs of services rendered by agency employees or by consultants; provided further, that amounts expended for agency employees may include salary and salary related expenses of these employees to the extent that they work on or in support of these projects . . . . . \$450,000

*Department of Environmental Protection*

2200-2012 For operation and maintenance of the department of environmental protection's statewide air monitoring network, including but not limited to, photochemical assessment monitoring stations, small particulate and air toxics monitoring; and for the upgrade of equipment to comply with federal requirements . . . . . \$350,000



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2200-2013 For the purposes of discovery, assessment, containment, clean-up, and closure of existing or closed solid waste facilities causing or threatening to cause pollution as authorized by section 4 of chapter 21H of the General Laws; provided, that funds authorized by this item may be used for the purposes of maintaining composting and recycling programs consistent with the statewide solid waste master plan authorized by section 21 of chapter 16 of the General Laws, including the costs of experts, engineers, and other personnel previously authorized under chapter 584 of the acts of 1987 . . . . . \$1,500,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**  
*Department of Mental Health*

5500-9405 For costs associated with planning and studies, design, the preparation of plans and specifications, development, construction, renovation, reconstruction, alteration, improvement, demolition and site preparation for a new inpatient facility for clients of the department of mental health and other persons with mental illness who require hospitalization or continuing care in a hospital setting at the site of the current department of mental health facility located in the city of Worcester, all as the commissioner of capital asset management and maintenance, in consultation with the commissioner of mental health, considers appropriate, including, but not limited to, the costs of engineering and other services essential to this project rendered by division of capital asset management and maintenance employees or by consultants; provided, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects . . . . . \$250,000,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY**  
*Department of State Police*

8000-2010 For the design, construction, and implementation of the department of state police mobile data network and an automated motor vehicle citation system, including the use of "MDT" devices . . . . . \$4,500,000



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8100-0004 For the replacement of state police cruisers ..... \$12,000,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**  
*Office of the Secretary*

6001-0708 For the Fairmount Line project, the commuter transit facility parking project, the Red Line/Blue Line connector design project and the Green Line extension to Medford Hillside and Union Square spur project, all as further described and as provided in 310 CMR 7.36, as appearing in the December 1, 2006 Massachusetts Register ..... \$100,000,000

**SECTION 2A.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**  
*Department of Highways*

6033-0715 For federal aid projects on the interstate federal highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects rendered by department of highways employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that, notwithstanding any general or special law to the contrary, including any other provision of this act to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund this obligation; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies ..... \$20,000,000

6033-0716 For federal aid projects on the non-interstate federal highway system; provided, that funds may be expended for the costs of

nonparticipating portions of these projects; provided further, that notwithstanding any general or special law to the contrary, including other provisions of this act to the contrary, the department of highways shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fund the corresponding state portion of the federal commitment to fund this obligation; provided further, the department shall only enter into obligations for those projects under this act based upon the prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies; provided further, that expenditures from this item may include the costs of engineering and other services essential to these projects rendered by department employees or by consultants; and provided further, that amounts expended for department employees may include salary and salary-related expenses of these employees to the extent that they work on or in support of these projects . . \$1,100,000,000

**SECTION 2B.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**

*Department of Highways*

6033-0717 For the design, construction and repair of or improvements to nonfederally-aided roadway projects and for the nonparticipating portion of federally aided projects; provided, that expenditures from this item may include the costs of the purchase, leasing and rehabilitation of heavy and light equipment necessary for these projects, including highway maintenance fleet equipment, in addition to parts for this durable equipment; provided further, that expenditures from this item may include the costs of engineering and other services essential to such projects rendered by department employees or by consultants; and provided further, that amounts expended for department employees may include salary and salary-related expenses of these employees to the extent that they work on or in support of these projects . . . \$675,000,000

6033-0798 For the construction and reconstruction of town and county ways as described in subclause (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws; provided that a city or town shall comply with the procedures established by the department of highways; provided further, that any such city or town may appropriate for these projects amounts not in excess of the amount provided to the city or town under this item preliminary notice of which shall be provided by the department to the city or town not later than April 1 of each year; provided further, that the commonwealth shall reimburse any such city or town under this item within 30 days after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the department . . . . . \$60,000,000

**SECTION 3.** The second paragraph of section 2 of chapter 211 of the acts of 1988 is hereby amended by striking out the third and fourth sentences.

**SECTION 4.** Said chapter 211 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. The secretary may provide for the carryforward of any unused portion of the remaining annual state ceiling assigned or reassigned to the commonwealth by allocating the unused portion of the state ceiling to one or more issuers of private activity bonds within the state for any bonds eligible for a carryforward of state ceiling under the applicable provisions of the Internal Revenue Code.

**SECTION 5.** Section 5 of said chapter 211 is hereby amended by striking out the second sentence.

**SECTION 6.** To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$600,100,000. All these bonds issued by the commonwealth shall be designated on their face, Capital Expenditure Act of 2007, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2042. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued

under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

**SECTION 7.** To meet a portion of the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$244,400,000. All these bonds issued by the commonwealth shall be designated on their face, Highway Improvement Loan Act of 2007, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2042. All interest and payments on account of principal on these obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 2007 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2042. All principal on these obligations shall be payable from the Infrastructure Fund established in said section 2O of said chapter 29. Special obligation bonds issued under this section shall be special obligations of the commonwealth payable solely in accordance with said section 2O of said chapter 29.

**SECTION 8.** To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$735,000,000. All these bonds issued by the commonwealth shall be designated on their face, Highway Improvement Loan Act of 2007, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2042. All interest and payments on account of principal on these obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special ob-



ligation bonds pursuant to section 20 of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 2007 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2042. All principal on these obligations shall be payable from the Infrastructure Fund established in said section 20 of said chapter 29. Special obligation bonds issued under this section shall be special obligations of the commonwealth payable solely in accordance with said section 20 of said chapter 29.

**SECTION 9.** Notwithstanding any general or special law or provision of this act to the contrary, the secretary of administration and finance, on behalf of the water pollution abatement trust established by section 2 of chapter 29C of the General Laws, may transfer amounts authorized by section 5 of chapter 236 of the acts of 2002 and by item 0610-2365 of section 2 of this act to the Drinking Water Revolving Fund established by section 2QQ of chapter 29 of the General Laws for application by the trust to the purposes specified in section 18 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under the Federal Safe Drinking Water Act, and may transfer amounts authorized by item 0610-8910 of section 2 of this act to the Water Pollution Abatement Revolving Fund established by section 2L of said chapter 29 for application by the trust to the purposes specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the Federal Clean Water Act.

**SECTION 10.** Notwithstanding any general or special law to the contrary, in any case where an act authorizes the issuance of bonds for a maximum term of years, not exceeding 20 years, the maximum term of those bonds shall instead not exceed 30 years, as the governor may recommend under section 3 of Article LXII of the Amendments to the Constitution. Any date by which the bonds specified in the preceding sentence are required to be paid shall be extended by 10 years.

**SECTION 11.** (a) The state treasurer may, upon request of the governor, issue and sell refunding bonds of the commonwealth in an amount to be specified by the governor from time to time for the purpose of paying, at maturity or upon acceleration or redemption, any bonds then outstanding and issued by an entity other than the commonwealth under section 39I of chapter 190 of the acts of 1982, section 7 of chapter 16 of the acts of 1999 or section 6 of chapter 53 of the acts of 1999, including the payment of any redemption premium thereon



and any interest accrued or to accrue to the date of maturity, acceleration or redemption of these bonds. The state treasurer shall not issue any such refunding bonds unless he finds that the present value, discounted at such rate as he considers appropriate, of the principal and interest payments due on the refunding bonds is less than the present value, discounted at such rate, of the principal and interest payments to be paid, from the proceeds of these refunding bonds and investment earnings thereon, on the bonds to be refunded. These refunding bonds may be issued at such time before the maturity, acceleration or redemption of the bonds to be refunded thereby that the state treasurer, with the approval of the governor, considers advisable. The issuance of these bonds, the security therefor, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the commonwealth with respect thereto shall be governed by the provisions of chapter 29 of the General Laws which relate to the issuance of bonds by the commonwealth, insofar as these provisions may be appropriate therefor. In connection with any issuance of refunding bonds under this section, the secretary of administration and finance and the other party or parties to the contract for financial assistance or to the lease agreement related to the bonds being refunded and the state treasurer may enter into amendments to the contract or lease agreement and any other documents that they consider necessary or desirable to effectuate the issuance of the bonds. Without limiting the generality of this section, the provisions of section 49 of chapter 29 of the General Laws applicable to sinking funds established with trustees shall apply to the deposit of refunding bond proceeds with a trustee, except that these proceeds shall be held for the benefit of the holders of the bonds to be refunded thereby.

(b) Bonds and the interest thereon issued under this section shall be general obligations of the commonwealth and all bonds issued by the commonwealth under this section shall be designated on their face General Obligation Refunding Bonds, and shall be issued for such maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. The debt service on these refunding bonds shall be charged to the various budgeted funds of the commonwealth in proportion to the principal amounts being refunded.

(c) The state treasurer shall file a report with the house and senate committees on ways and means no later than 30 days after the sale of any refunding bonds issued under this section. This report shall include written documentation of compliance with this section, including, but not limited to, the issue or issues to be refunded, the projected dollar savings and the projected present value savings.

**SECTION 12.** (a) To meet the portions of the appropriations made under: (i) section 2E of chapter 352 of the acts of 2004, except for items 4590-0916, 8000-0221 and 8100-0462; (ii) section 2E of chapter 122 of the acts of 2006, except for items 1599-3749 and 6033-0592; and (iii) section 2A of chapter 123 of the acts of 2006, except for items 7002-0045, 7003-1641, 7007-0333 and 7100-8181, which have not been expended as of the effective date of this section, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to

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time but not exceeding, in the aggregate, \$243,000,000. All these bonds issued by the commonwealth shall be designated on their face, Capital Expenditure Act of 2007, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2042. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

(b) To provide for the defeasance of outstanding bonds of the commonwealth which the state treasurer determines will result in the greatest debt service savings to the commonwealth, an amount equal to the unexpended amount of the appropriations identified in subsection (a) of this section as of the effective date of this act shall be transferred to the state treasurer. The provisions of section 49 of chapter 29 of the General Laws applicable to sinking funds established with trustees shall apply to the deposit of this amount with a trustee, but this amount shall be held for the benefit of the holders of the bonds to be defeased therewith.

(c) The state treasurer shall file a report with the house and senate committees on ways and means no later than 30 days after the sale of the bonds issued under this section. This report shall include written documentation of compliance with this section, including, but not limited to, the bonds that have been defeased, the projected dollar savings resulting from the issuance of the bonds under this section and the defeasance of outstanding bonds under this section and the projected present value savings.

**SECTION 13.** The information technology division, in consultation with the operational services division, shall develop and adopt procedures to ensure an open and fair competitive process for the procurement of services and equipment funded under items 1790-2015, 1790-2016 and 1790-2017 of section 2. Within 60 days after the effective date of this act, the division shall submit these procedures to the comptroller for review and approval. The comptroller shall issue a report on these procedures to the chairmen of the house and senate committees on ways and means and to the chairmen of the joint committee on bonding, capital expenditures and state assets within 30 days after receiving these procedures. The comptroller's report shall certify that the procurement procedures for information technology services and equipment comply with state finance laws. The report shall also address the effect of those procurement procedures on the competitiveness of the bidding process.

**SECTION 14.** Section 12 shall take effect on May 1, 2007.

Approved March 23, 2007.

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**Chapter 28. AN ACT RELEASING A NONDEVELOPMENT COVENANT RESTRICTION ON CERTAIN LAND LOCATED IN THE TOWN OF LEICESTER.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the release of a certain nondevelopment covenant, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of agricultural resources, may execute a certificate of release of a portion of a nondevelopment covenant restriction granted by David A., James A., Marjorie A. and Richard A. Cooper; co-partners dba Coopers' Hilltop Farm to the commonwealth dated December 17, 1999, recorded in the Worcester district registry of deeds in Book 22391, Page 344, on land located in the town of Leicester. The land to be released consists of 3 parcels being more particularly described as follows:-

A parcel containing 57,964 square feet and is shown as Lot #1 on a "Plan of Land" in Leicester, Massachusetts, owned by David A., James A., Marjorie A. and Richard A. Cooper, prepared by Land Planning, Inc. and dated June 29, 2006; a parcel containing 68,424 square feet and is shown as Lot #2 on a "Plan of Land" in Leicester, Massachusetts, owned by David A., James A., Marjorie A. and Richard A. Cooper, prepared by Land Planning, Inc. and dated June 29, 2006 and a parcel containing 57,238 square feet and is shown as Lot #3 on a "Plan of Land" in Leicester, Massachusetts, owned by David A., James A., Marjorie A. and Richard A. Cooper, prepared by Land Planning, Inc. and dated June 29, 2006.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of agricultural resources, may execute a certificate of release of a portion of a nondevelopment covenant restriction granted by David A., James A., Marjorie A. and Richard A. Cooper; co-partners dba Coopers' Hilltop Farm to the commonwealth dated December 17, 1999, recorded in the Worcester district registry of deeds in Book 22391, Page 344, on land located in the town of Leicester. The land to be released consists of 3 parcels being more particularly described as follows:-

A parcel containing 56,932 square feet and is shown as Lot #1 on a "Plan of Land" in Leicester, Massachusetts, owned by David A., James A., Marjorie A. and Richard A. Cooper, prepared by Land Planning, Inc. and dated June 23, 2006; a parcel containing 56,745 square feet and is shown as Lot #2 on a "Plan of Land" in Leicester, Massachusetts, owned by David A., James A., Marjorie A. and Richard A. Cooper, prepared by Land Planning, Inc. and dated June 23, 2006 and a parcel containing 85,112 square feet and is shown as Lot #3 on a "Plan of Land" in Leicester, Massachusetts, owned by David A., James A., Marjorie A. and Richard A. Cooper, prepared by Land Planning, Inc. and dated June 23, 2006.



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**SECTION 3.** In consideration of, and in exchange for, the land described in sections 1 and 2 being released from the nondevelopment covenant, the owners of the land proposed for release, David A., James A., Marjorie A. and Richard A. Cooper; co-partners dba Coopers' Hilltop Farm shall purchase and execute concurrently with the described property to be released, a new, 10 year nondevelopment covenant on the following parcel of land being more particularly described as follows:-

A certain parcel containing 11 acres of land located on the east side of Henshaw Street, in Leicester, Worcester County, MA, shown as "1st tract" and "2nd tract" on a plan entitled "Plan of Property of William J. Kosciak and Raymond A. Plotczyk located in southeast part of Leicester, Mass., scale 1"=200'; May 25, 1946", by E.A. Chamberlin dated May 25, 1946 and recorded in the Worcester district registry of deeds, Plan Book 139, Plan 57. Said parcel is also described in the town of Leicester's assessor's records as Parcel 45 A10, 423 Henshaw St., Acreage 11.000, Deed 12578-95.

**SECTION 4.** Notwithstanding any general or special law to the contrary, the nondevelopment agreement referenced in sections 1 and 2 shall remain in full force and effect except for parcels released from said nondevelopment agreement pursuant to said sections 1 and 2.

Approved March 28, 2007.

## Chapter 29. AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF GRAFTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 224 of the acts of 2002 is hereby amended by striking out, in line 2, the words "sections 40F ½, 40I and" and inserting in place thereof the following word:- section.

**SECTION 2.** Said section 1 of said chapter 224 is hereby further amended by striking out, in line 4, the words "convey by deed" and inserting in place thereof the following words:- lease for a term not to exceed 50 years, together with an option to purchase as set forth in this act, and to sell and convey by deed.

**SECTION 3.** Said chapter 224 is hereby further amended by striking out section 2 and inserting in place thereof the following 4 sections:-

**SECTION 2.** Such lease shall include an option for the Massachusetts State Police Museum and Learning Center to purchase the premises at the end of the term of such lease, shall require that the lessee maintain adequate insurance, and shall contain such other provisions as the commissioner, after consultation with the department of state police, considers appropriate. The lease price to be paid by the Massachusetts State Police Museum



and Learning Center shall be the full and fair market value of the building and land based upon 1 or more professional appraisals commissioned by the division of capital asset management and maintenance and reduced by any credit authorized and certified by the inspector general. The commissioner of capital asset management and maintenance shall, 30 days prior to the execution of any lease authorized by this act or any subsequent amendment thereto, submit the lease and any amendments and a report thereon to the inspector general. The inspector general shall review and comment in writing on each appraisal and the review and comment shall include an examination of the methodology used for each appraisal. The inspector general shall prepare a report of his review and action on the appraisal, lease and any amendments and file the report with the commissioner. Copies of this report shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution of the lease. The report shall also include a list of those credits that have been certified by the inspector general as credits to be applied against the lease price. The State Police Museum and Learning Center shall be responsible for any costs for appraisals, surveys and other expenses relating to the conveyance of the land and structure. The lease price paid by the Massachusetts State Police Museum and Learning Center for any lease, or any amendments thereto, authorized by this act, shall be deposited into the General Fund.

**SECTION 3.** Such lease shall set forth the procedure for the Massachusetts State Police Museum and Learning Center to exercise its option to purchase the premises at the end of the term of the lease. The purchase price to be paid by the Massachusetts State Police Museum and Learning Center shall be the full and fair market value of the building and land at the termination of the lease based upon 1 or more professional appraisals commissioned by the division of capital asset management and maintenance and reduced by any credit authorized and certified by the inspector general. The commissioner of capital asset management and maintenance shall, 30 days prior to the execution of any agreement authorized by this act or any subsequent amendment thereto, submit the agreement and any amendments thereto and a report thereon to the inspector general. The inspector general shall review and comment in writing on each appraisal, and the review and comment shall include an examination of the methodology used for each appraisal. The inspector general shall prepare a report of his review and action on the appraisal, agreement and any amendments and file the report with the commissioner. Copies of this report shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution of the agreement. The report shall also include a list of those credits that have been certified by the inspector general as credits to be applied against the purchase price. The purchase price paid by the Massachusetts State Police Museum and Learning Center shall be deposited in the General Fund.

**SECTION 4.** No lease agreement entered into pursuant to this act by or on behalf

of the commonwealth, shall be valid unless the lease provides that the property shall be used solely for activities directly related to state police museum and learning center purposes. If, for any reason, the property ceases to be used for the purposes described herein, the commonwealth may terminate the lease. If the lease is terminated, the property shall revert to the commonwealth, under the care, custody and control of the division of capital asset management and maintenance, in consultation with the executive office of public safety. No deed conveying the property to the Massachusetts State Police Museum and Learning Center shall be valid unless the deed provides that the property shall be used solely for activities directly related to state police museum and learning center purposes. If for any reason the property ceases to be used for the purposes described herein, the commonwealth shall have a right of reversion and may exercise said right after (i) providing the Massachusetts State Police Museum and Learning Center with written notification and an opportunity to cure; and (ii) recording a notice of said reversion in the Worcester south district registry of deeds. Upon satisfaction of the foregoing provisions, the property shall revert to the commonwealth under the care, custody and control of the division of capital asset management and maintenance, in consultation with the executive office of public safety.

**SECTION 5.** The Massachusetts State Police Museum and Learning Center shall be responsible for all costs associated with any appraisal, survey or other expense incurred by the commonwealth relating to the lease and conveyance of property pursuant to this act, and for any costs, liabilities or expenses of any kind for the development, improvement, maintenance or operation of the parcel as may be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of public safety.

Approved April 10, 2007.

## **Chapter 30. AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO GRANT AN ADDITIONAL ALCOHOLIC BEVERAGE LICENSE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of South Hadley may grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises subject to the conditions set forth herein.

The board of selectmen shall reserve 1 all alcoholic beverage license for Food 101, for a location at the Town Commons subject to all other applicable requirements for an all alcoholic beverages license and on condition that the current license for the sale of wines and malt beverages currently held by said Food 101 be returned physically, with all the legal rights pertaining thereto, to said board upon approval and receipt of the license granted pursuant to this act.

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Notwithstanding section 12 of chapter 138 of the General Laws, the additional license authorized by this act shall be subject to an original application fee of \$1,000 more than the annual fee for existing all alcoholic beverage licenses in the town of South Hadley. Said additional \$1,000 fee shall be deposited into an economic development account of the town and expended consistently with the purposes of such account.

Notwithstanding sections 12 and 77 of chapter 138 of the General Laws, the board of selectmen may restrict the all alcoholic beverage license to a holder of a common victualler license.

The board of selectmen shall determine reasonably whether an applicant or licensee meets the criteria set forth herein.

Notwithstanding any general or special law or any rule or regulation to the contrary, the board of selectmen shall not approve the transfer of such license to any other location. The license may be re-issued by said board of selectmen at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the board of selectmen. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon its passage.

Approved April 18, 2007.

## **Chapter 31. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANTOINETTE ROMES, AN EMPLOYEE OF THE DEPARTMENT OF TRANSITIONAL ASSISTANCE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of transitional assistance shall establish a sick leave bank for Antoinette Romes, an employee of the department of transitional assistance. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank

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for use by Antoinette Romes. Whenever Antoinette Romes terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave bank shall be transferred to the extended illness leave bank.

Approved April 18, 2007.

## **Chapter 32. AN ACT RELATIVE TO THE SWANSEA WATER DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 4 of chapter 137 of the acts of 1949, as amended by chapter 133 of the acts of 1999, is hereby amended by striking out, in line 4, the figure "\$10,000,000" and inserting in place thereof the following figure:-\$30,000,000.

**SECTION 2.** The vote of the Swansea Water District taken pursuant to Article 15 at the May 8, 2006 annual district meeting authorizing a borrowing of \$11,600,000 pursuant to chapter 137 of the acts of 1949 is hereby ratified, validated and confirmed.

**SECTION 3.** This act shall take effect upon its passage.

Approved April 18, 2007.

## **Chapter 33. AN ACT RELATIVE TO CIVIL SERVICE EXAMINATIONS FOR APPOINTMENT AS POLICE OFFICERS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to lower the minimum age for appointment as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

The second paragraph of section 58 of chapter 31 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- No person shall be eligible to take an examination for original appointment to the position of police officer in any city or town if he will not have reached his twenty-first birthday on or before the date of such examination.

Approved April 18, 2007.



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**Chapter 34. AN ACT PROVIDING THE TERMS OF CERTAIN BONDS TO BE ISSUED BY THE COMMONWEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The third sentence of subsection (a) of section 12 of chapter 27 of the acts of 2007 is hereby amended by striking out the words “June 30, 2042” and inserting in place thereof the following words:- June 30, 2037.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the bonds which the state treasurer may issue pursuant to sections 6, 7 and 8 of chapter 27 of the acts of 2007 shall be issued for a term not to exceed 30 years as recommended by the governor in a message to the general court dated March 26, 2007 pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2042.

**SECTION 3.** Notwithstanding any general or special law to the contrary, any bonds described in section 10 of chapter 27 of the acts of 2007 shall be issued for a term not to exceed 30 years as recommended by the governor in a message to the general court dated March 26, 2007 pursuant to section 3 of Article LXII of the Amendments to the Constitution. The date by which the bonds described in said section 10 are required to be paid shall be extended by 10 years.

**SECTION 4.** Notwithstanding any general or special law to the contrary, the bonds which the state treasurer may issue pursuant to section 11 of chapter 27 of the acts of 2007 shall be issued for a term not to exceed 30 years, as recommended by the governor in a message to the general court dated March 26, 2007 pursuant to section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 5.** Notwithstanding any general or special law to the contrary, the bonds which the state treasurer may issue pursuant to section 12 of chapter 27 of the acts of 2007 shall be issued for a term not to exceed 30 years as recommended by the governor in a message to the general court dated March 26, 2007 pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2037.

Approved April 24, 2007.

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**Chapter 35. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JANICE BROWN, AN EMPLOYEE OF THE APPELLATE TAX BOARD.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the appellate tax board, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the appellate tax board shall establish a sick leave bank for Janice Brown, an employee of the appellate tax board. Any employee of the appellate tax board may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Janice Brown. Whenever Janice Brown terminates employment with the board or requests to dissolve the sick leave bank, the balance of the sick leave bank shall be transferred to the extended sick leave bank.

Approved April 25, 2007.

**Chapter 36. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DENNIS McNAMARA, AN EMPLOYEE OF THE DEPARTMENT OF FISH AND GAME.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of fish and game, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of fish and game shall establish a sick leave bank for Dennis McNamara, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Dennis McNamara. Whenever Dennis McNamara terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.

Approved May 1, 2007

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**Chapter 37. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO GRANT ACCESS TO ITS SEWER SYSTEM TO A CERTAIN PROPERTY IN THE TOWN OF SHARON.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith allow the Massachusetts Water Resources Authority to provide certain services to a property in the town of Sharon, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the Massachusetts Water Resources Authority may provide sewer services through the town of Walpole sewer system to the property located at 25 Providence highway, state highway Route 1, in the town of Sharon, as shown on a deed recorded at the Norfolk county registry of deeds, Book 22097, Page 18, provided that the discharge may not exceed a maximum of 15,000 gallons per day, unless an additional amount is approved by the authority. The authority may allow the property to be used and serviced by said sewer system to the same extent as parcels of property located within the district currently being served by the authority. All costs and expenses incurred for engineering, design, supervision, labor, equipment, and materials relative to the sewer tie-in shall be paid by the property owner.

**SECTION 2.** Notwithstanding section 1, the provision of sewer services by the Massachusetts Water Resources Authority shall commence only after the authority board of directors has voted approval having first made findings as set forth in paragraph (c) of section 8 of chapter 372 of the acts of 1984 and having made such other determinations in accordance with applicable policies of the authority and after all required approvals have been received including, as applicable, the approval of the community of origin, transporting community, other regulatory bodies if required and the authority advisory board.

Approved May 7, 2007.

**Chapter 38. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO GRANT ACCESS TO ITS SEWER SYSTEM TO A CERTAIN PROPERTY IN THE TOWN OF FOXBOROUGH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith allow the Massachusetts Water Resources Authority to provide certain services to a property in the town of Foxborough, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

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**SECTION 1.** Notwithstanding any general or special law to the contrary, the Massachusetts Water Resources Authority may provide sewer services through the town of Walpole's sewer system to the property located at 2 Washington street, state highway Route 1, in the town of Foxborough, as shown on deeds recorded at the Norfolk county registry of deeds, Book 4738, Page 664, Book 4874, Page 136 and Book 6201, Page 388, provided that the discharge may not exceed a maximum of 22,750 gallons per day, unless an additional amount is approved by the authority. The authority may allow the property to be used and serviced by said sewer system to the same extent as parcels of property located within the district currently being served by the authority. All costs and expenses incurred for engineering, design, supervision, labor, equipment, and materials relative to the sewer tie-in shall be paid by the property owner.

**SECTION 2.** Notwithstanding section 1, the provision of sewer services by the Massachusetts Water Resources Authority shall commence only after the authority board of directors has voted approval having first made findings as set forth in paragraph (c) of section 8 of chapter 372 of the acts of 1984 and having made such other determinations in accordance with applicable policies of the authority and after all required approvals have been received including, as applicable, the approval of the community of origin, transporting community, other regulatory bodies if required and the authority advisory board.

Approved May 7, 2007.

## **Chapter 39. AN ACT FURTHER REGULATING THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the operation of the Massachusetts Commission Against Discrimination, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 56 of chapter 6 of the General Laws is hereby further amended by striking out the first paragraph, as amended by section 2 of chapter 19 of the acts of 2007, and inserting in place thereof the following paragraph:-

There shall be a commission to be known as the Massachusetts Commission Against Discrimination.

**SECTION 2.** Said section 56 of said chapter 6 is hereby further amended by striking out the fifth paragraph, as appearing in the 2004 Official Edition, and inserting in place thereof the following paragraph:-



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There shall be regional offices in the cities of New Bedford, Springfield and Worcester.

**SECTION 3.** Section 1 of chapter 23 of the General Laws, as amended by section 15 of said chapter 19, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- In the executive office shall be the department of labor and the department of workforce development.

**SECTION 4.** This act shall take effect on April 10, 2007.

Approved May 7, 2007.

## Chapter 40. AN ACT ESTABLISHING THE MARLBOROUGH 2010 CORPORATION.

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) The general court find that: (1) in the city of Marlborough unused, underused, substandard, undeveloped or underdeveloped areas exist; (2) these areas constitute a menace, injurious and inimical threat to the health, safety and welfare of the residents of the city; (3) these areas constitute an economic liability substantially impairing or arresting the sound growth of the city and retarding the economic well-being of the commonwealth; (4) these areas decrease the value of private investments and threaten sources of public revenue; (5) redevelopment of these areas in accordance with locally-approved community and economic development, capital improvement or other plans, including the city's master plan, for the elimination of these conditions and prevention of their recurrence is necessary to retain existing enterprises, attract new commercial, industrial or residential development and to promote the sound and orderly growth of the city; (6) the existence of these unused, underused, undeveloped or underdeveloped areas makes persons unwilling or unable to do business in the city; (7) the menace of these unused, underused or underdeveloped areas is beyond remedy and control solely by the regulatory process in the exercise of the police powers and cannot be dealt with effectively by the ordinary operations of private enterprise without the assistance provided in this act; (8) that to prevent a recurrence of these conditions in these areas the improvement of sites for commercial, industrial or residential uses or for necessary public facilities in the areas, the disposition of property for redevelopment incidental to these improvements, the exercise of powers by the corporation, and any assistance which may be given by the city or any other public body in connection with these actions, are public uses and purposes for which public money may be expended; and (9) the acquisition, planning, clearance, development, rehabilitation or rebuilding of these unused, underused, substandard and undeveloped areas for commercial, industrial, residential, institutional and public facility purposes are public benefits for which public funds may be expended for the welfare of the city and the commonwealth.

(b) The general court further finds that: (1) there exist in the city conditions of underemployment which cause hardship to many individuals and families, wastes vital human resources, increases the public assistance burden, impairs the security of family life, impedes the economic and physical development of the city and adversely affects the welfare and prosperity of its people; (2) obsolete, inefficient or inadequate public facilities and infrastructure are causing injury to the city's economy; and (3) the unaided efforts of private industry have not provided and cannot provide the necessary sites within the development zone due to problems in the assembly of suitable sites, the provision of adequate public facilities and services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate feasible development projects.

(c) The general court further finds that: (1) the city of Marlborough has a dire need to develop or redevelop public facilities and infrastructure to stimulate and support economic growth; (2) without these public facilities and services the city cannot arrest the decline of, revitalize, stabilize or expand its economy or develop a sound, vibrant economic base; and (3) the development, management and operation of public facilities in support of economic development are essential to the preservation and enhancement of the city's tax base and economy.

(d) The general court further finds that: (1) the city of Marlborough has a dire need to protect and preserve open space and to develop affordable housing in order to support the objectives of balanced growth; (2) without sufficient open space and housing affordable to a broad range of incomes, the city cannot develop and sustain a vibrant economic base; and (3) the protection of open space and the provision of affordable housing are essential to the preservation and enhancement of the city's tax base and economy.

(e) The general court further finds that the purpose of the corporation shall be to serve as a catalyst for stimulating projects that improve the quality of life and help achieve Marlborough's vision for its future, while also being a catalyst for positive change and an advocate of solutions and opportunities for the city's business and economic development through programs, including but not limited to, cultural, historical, economic, housing, educational, industrial, professional, tourism and sports growth.

(f) The general court further finds that the purpose of the corporation shall also be to create a suitable living environment and to strengthen partnerships between all levels of government and non-profit and for-profit organizations in an effort to maximize social and economic opportunities available to the citizens of the city.

(g) The general court further finds that the purpose of the corporation shall also be to enhance the position, image and perception of the city as a desirable place to live, work, visit and invest by providing increased revenue and jobs to the city through programs of planned cultural, historical, economic, housing, educational, industrial, professional, and tourism and sports growth.

(h) The general court further finds a public corporation is necessary to address these and related public purposes. It is the purpose of the corporation created by this act to aid the

city, other public agencies, private enterprises and non-profit organizations in the speedy and orderly development or redevelopment of unused, obsolete, underused or underdeveloped areas and in the development, operation and management of facilities and infrastructure necessary to support the economic vitality of the city.

**SECTION 2.** As used in this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“City council”, the duly elected city council of the city of Marlborough.

“Corporation”, the Marlborough 2010 Corporation established pursuant to this act.

“Development project”, (1) a project to be undertaken in furtherance of the purposes of this act for acquisition or leasing by the corporation of land and improvements thereon and the development of the property so acquired; (2) a project to be undertaken in furtherance of the purposes of this act for the rehabilitation or conservation of property or for the demolition, removal, rehabilitation or addition of improvements whenever necessary to carry out the purposes of this act; (3) a project entailing the construction, improvement, or rehabilitation of infrastructure, public facilities, or both, in furtherance of the purposes of this act; or (4) a project involving a combination of the foregoing types of projects. A development project may include improvements necessary for carrying out the objectives of the project together with such site improvements as are necessary for the preparation of any site for uses in accordance with locally-approved development plans as well as for making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including the sale, initial leasing or retention by the corporation for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan. A development project may include the construction by the corporation of any of the buildings, structures or other facilities for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in a development area which are to be repaired, moved or rehabilitated. A development project may also include a preservation project as defined by this act where limited development of land to be preserved primarily for conservation, farming, forestry, recreation or open space uses may be carried out by the corporation in order to finance the cost of acquiring the land and improvements thereon.

“Financial institution”, a banking corporation or institution, trust company, savings bank, cooperative bank, savings or loan association, insurance company or related corporate partnership, foundation or other institution engaged primarily in lending or investing funds.

“Mayor”, the duly elected mayor of the city of Marlborough.

**SECTION 3.** (a) There shall be a body politic and corporate to be known as the Marlborough 2010 Corporation. The corporation shall be a public instrumentality separate from the city, and shall not be considered an authority, board or committee of the city. The corporation is empowered to carry out the provisions of this act, and the exercise by the corporation of the powers conferred by this act shall be considered the performance of essential public and governmental functions.



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(b) The purposes of the corporation shall be to promote the objectives set forth in section 1 as well as to promote the common good and general welfare of the city, to improve the living standards of its citizens by fostering the improvement of their employment opportunities and to solicit, encourage and induce business organizations and educational institutions to locate in the city with an emphasis on expanding the tax base of the city. The corporation shall assist and promote the development and expansion of business activities and business organizations in the city. In furtherance of the purposes named in this section, and in addition to the powers conferred on the corporation under the provisions of this act, the corporation shall, subject to the restrictions and limitations hereinafter provided, have the following powers:

- (1) to sue and be sued in its own name, to plead and to be impleaded;
- (2) to adopt by -laws and rules for the regulation of its affairs and the conduct of its business and to alter those by-laws and rules;
- (3) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties;
- (4) to receive and accept from any federal agency, the commonwealth or any political subdivision thereof any grants, loans or advances for or in aid of a development project or projects and to receive and accept contributions from any other source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which these grants, loans, advances and contributions may be made;
- (5) to invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations guaranteed by the government of the United States; and, subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter 44 of the General Laws;
- (6) to own and manage real property;
- (7) to make relocation payments to persons and businesses displaced as a result of carrying out a development project under this act, in accordance with chapter 79A of the General Laws;
- (8) to provide advisory services and technical assistance necessary or desirable to carry out the purposes of this act;
- (9) to prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of development projects and, from time to time, modify these plans, designs, drawings, specifications and estimates;
- (10) to designate property for development and preservation projects, except that when the property is owned by the city, the designation and use shall have the concurrence of the city council;
- (11) to procure insurance against any loss in connection with its property, other assets and operations;



(12) to arrange or contract with the city for the planning, replanning, opening or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the city of property or property rights or for the furnishing of property or services in connection with a development project or projects;

(13) to manage or lease any development project, whether owned or leased by the corporation, and to enter into agreements with the commonwealth or the city or any agency or instrumentality thereof, or with any person, firm, partnership or corporation either public or private for the purposes of causing any development project to be managed;

(14) to establish subsidiary or affiliate legal entities convenient or necessary to advance the purposes of this act;

(15) to establish and collect fees for the use of any properties owned or leased by the corporation, or for the provision of infrastructure, facilities, services and amenities;

(16) to act with respect to 1 or more development projects as a corporation organized under chapter 121A of the General Laws;

(17) to borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or the United States to abate air or water pollution;

(18) to borrow money for the purposes of aiding in the construction of public facilities, infrastructure and utilities necessary for economic development;

(19) to apply to the federal government or to the commonwealth for housing or economic development assistance grants to carry out approved economic development projects, to receive and administer these grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections 53 to 57A, inclusive, of chapter 121B of the General Laws.

(20) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act;

(21) to employ consulting engineers, an executive director, superintendents, managers, and other employees, agents and consultants as may be necessary in its judgment and to fix their compensation;

(22) to accept, acquire, other than by eminent domain, receive and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the corporation from any federal agency or the commonwealth or any political subdivision thereof;

(23) to sell, convey, mortgage, lease, transfer, exchange, or otherwise dispose of any property, both real and personal, that the objectives and purposes of the corporation may require, subject to any limitations as may be prescribed by law;

(24) to borrow money and, from time to time, to make, accept, endorse, execute and

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issue bonds, debentures, promissory notes, bills of exchange and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of these obligations by mortgage, pledge, deed, indenture, agreement or other instrument of trust, or by lien upon, assignment of or agreement in regard to all or any part of the corporation's property, rights or privileges, whether now owned or later acquired;

(25) to make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the city, for the purpose of promoting and developing business activities;

(26) to acquire improved and unimproved real estate for the purposes of developing, demolishing, constructing or reconstructing commercial, industrial, residential, institutional, or other establishments thereon, or for developing, redeveloping or constructing public facilities, or for the purpose of disposing of such real estate to others for the development, redevelopment, demolition, construction, operation or management of commercial, industrial, residential, institutional or other establishments, or for public facilities, as the objects and purposes of the corporation may require; but nothing contained in this act shall be construed to grant the corporation the power of eminent domain;

(27) to acquire, demolish, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge or otherwise dispose of commercial, industrial, residential or business establishments or other property as the objects and purposes of the corporation may require;

(28) to acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership;

(29) to cooperate with and avail itself of the facilities and programs of various governmental agencies including, but not limited to, those of the Small Business Development Corporation, the Massachusetts office of business and development, the United States Department of Commerce, the New England Regional Commission and any similar governmental agencies; provided, however, that the corporation shall not apply for governmental funds in competition with any department, agency or instrumentality of the city, without the express written consent of the mayor of the city;

(30) to receive stocks, bonds, donations and gifts, and to otherwise raise money for the above purposes;

(31) to promote the city as a retail, commercial, industrial, professional and financial center.

(c) The corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision of this act, neither the members, directors, of-

ficers, nor the corporation shall participate in any prohibited transactions, as defined in section 503 of the Internal Revenue Code, nor shall the corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are, or would be, within the prohibitions of section 504 of said Internal Revenue Code, nor shall the corporation be operated at any time for the primary or sole purpose of carrying on a trade or business for profit.

**SECTION 4.** The principal office of the corporation shall be located in the city of Marlborough.

**SECTION 5.** The corporation shall not be subject to chapter 63 of the General Laws, nor shall the corporation be liable for any taxes based upon or measured by income. The securities and evidences of indebtedness issued by the corporation shall be free from taxation by the commonwealth.

**SECTION 6.** In order to carry out the purposes of this act and exercise the powers of the corporation, the city may raise and appropriate, or may borrow in aid of the corporation, such sums as may be necessary to make a loan or grant to the corporation.

**SECTION 7.** Notwithstanding any general or special law to the contrary, or any provision in their respective charters, agreements of associations, articles of organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164 of the General Laws, railroad corporations as defined in section 1 of chapter 160 of the General Laws, financial institutions, trustees and the city may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any bonds, securities or other evidence of indebtedness of the corporation and may make contributions to the corporation, all without the approval of any regulatory authority of the commonwealth.

A contribution made under this section to the corporation shall be in addition to contributions authorized by section 12C of chapter 155 of the General Laws and by other general or special law.

**SECTION 8.** The corporation shall be managed by a board of directors consisting of 25 members as follows: the mayor or his designee, the president of the city council or his designee, the chairman of the board of Olde Marlborough, Inc., the chairman of the board of Marlborough Convention and Visitors Bureau, the chairman of the board of the Marlborough Sports Partnership Association, 1 member to be appointed by the mayor, and 19 additional members to be elected from the general membership of the corporation at the corporation's first annual meeting. The 19 members to be elected from the general membership of the corporation at the corporation's first annual meeting shall include persons with education and experience in the fields of law, finance, real estate, architecture or planning and local government. Each member shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the 25 members shall constitute a quorum for the transaction of any business; provided however, that any action of the board of directors shall require the affirmative vote of a majority of the entire board.



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The members of the board shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

There shall be elected by and from the board of directors a president, treasurer, secretary/clerk, and any other officers as may be considered necessary by the board.

The members of the board of directors shall not receive compensation for the performance of their duties under this act, but each member may be reimbursed by the corporation for expenses actually incurred in the performance of his duties.

**SECTION 9.** The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation and shall make a report annually to the city council, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisition, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be helpful. The corporation shall cause an audit of its books and accounts to be made biannually by certified public accountants and the cost thereof shall be treated as a current expense. Except as otherwise provided in this act, the corporation shall have the full power to exercise care of its property and the management of its business and affairs. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in the commonwealth as surety, in such sum as the board of directors may determine, the premium of which shall be paid by the corporation.

**SECTION 10.** The corporation, from time to time, may provide by resolution for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a development project or projects. The principal of and interest on the bonds shall be payable solely from the funds herein provided for the payment. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding 20 years from their date or dates, as determined by the corporation, and may be redeemable before maturity, at the option of the corporation, at the price or prices and under the terms and conditions fixed by the corporation before the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature, or a facsimile thereof, shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes as if that officer had remained in office until the delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the corporation.



The proceeds of the bonds shall be used solely for the payment of the cost of a development project and shall be disbursed in a manner and under such restrictions, if any, as the corporation may provide. Before the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation may provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under this act, including the payment of any redemption premium thereon on any interest accrued or to accrue to the date of redemption of the bonds and, if deemed advisable by the corporation, for the additional purpose of construction or reconstructing and extensions or improvements of the development project. The issue of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation relative thereto shall be governed by this act insofar as it is applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will adversely affect the interests and rights of the holders of the bonds.

Revenue and revenue refunding bonds issued under this act, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or the city, or a pledge of the full faith and credit of the commonwealth or of the city, but the bonds shall be payable solely from the funds herein provided therefore from revenues generated by the corporation. If the corporation or the city or commonwealth is not obliged to pay the revenue or revenue refunding bonds, all the revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the city shall be obliged to pay the same or the interest thereon except from revenues, and that neither the faith and credit nor taxing power of the commonwealth or of the city is pledged to the payment on the bonds.

All revenue and revenue refunding bonds issued under this act shall have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.

**SECTION 11.** In the discretion of the corporation, the revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. The trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any development project or part thereof.

Either the resolution providing for the issuance of bonds or the trust agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders,

including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of and limitations on the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. The resolution or trust agreement may also contain covenants by the corporation in relation to: (1) the establishment, revision and collection of rents and charges for services of facilities furnished or supplied by the corporation that provide revenues sufficient with other revenues of the development project, if any, to pay (i) the cost of maintaining, repairing and operating the development project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on the revenue bonds as they become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for such purposes; (2) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof; (3) the use and disposition of the gross revenues of the corporation from the development project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the development project; (4) the amount, if any, of additional revenue bonds payable from the revenues of the development project and the limitations, terms and conditions on which the additional revenue bonds may be issued; and (5) the operation, maintenance, management, accounting and auditing of the development project and of the income and revenues of the corporation.

It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of the bonds or of revenues and to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and of the trustees and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. The trust agreement may contain other provisions as the corporation considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the development project. The pledge by any trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or later received by the corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which pledge it is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 106 of the General Laws.

**SECTION 12.** Revenue bonds and revenue refunding bonds issued under this act

are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section 6 of chapter 167E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of said chapter 167F. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

**SECTION 13.** To provide funds for the general purposes of the corporation, including working capital, the corporation may, from time to time, issue debentures which, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or of the city, or a pledge of the full faith and credit of the commonwealth or of the city, and shall be subordinated to all other obligations of the corporation and shall be payable at the time and in installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon, but only out of the net earnings of the corporation, and in no event at a rate higher than the rate specified therein.

The debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be a trust company or bank located within the commonwealth having the powers of a trust company. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debenture holder. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as a depository under the trust agreement to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement shall set forth the rights and remedies of the debenture holders and of the trustee, and may restrict individual right of action by debenture holders. The trust agreement may contain such other provisions as the corporation may consider reasonable and proper for the security of the debenture holders. All expenses incurred in carrying out the trust agreement may be treated as an item of current expense.

Debentures may be issued under this act without obtaining the consent of any department, division, office, commission, board, bureau or agency of the commonwealth or the city, and without any other proceedings or the happenings of any other condition or things other than those proceedings, conditions or things which are specifically required by this act.

**SECTION 14.** Any holder of bonds or debentures issued under this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the commonwealth or



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granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.

**SECTION 15.** The corporation shall not deposit any of its funds in a banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. Said corporation shall not receive money on deposit.

**SECTION 16.** The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable in contracts and tort, in the same manner as municipal employees under the General Laws. The corporation shall indemnify the directors, officers, employees and agents of the corporation under sections 9 and 13 of chapter 258 of the General Laws as public employees. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court may direct the treasurer of the corporation to pay the judgment. The real estate owned by the corporation shall not be subject to liens under chapter 254 of the General Laws, but sections 28 and 29 of chapter 149 of the General Laws shall be applicable to any construction work by the corporation.

**SECTION 17.** The corporation shall file annual reports with the state secretary and the city council. These annual reports shall also be published in a newspaper of general circulation in the city within 60 days after the close of the corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may, from time to time, be required by the state secretary.

**SECTION 18.** The corporation is hereby designated as a community-based development organization for purposes of carrying out community or economic development projects with federal financial assistance.

**SECTION 19.** The corporation is hereby designated as a non profit organization that may act as a land trust for purposes of carrying out preservation projects as defined in section 2 and for receiving assignment of the city's first refusal options under chapter 61, chapter 61A or chapter 61B of the General Laws.

**SECTION 20.** The corporation may, upon the affirmative vote of  $\frac{2}{3}$  of its members, petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section 11A of chapter 180 of the General Laws.

**SECTION 21.** If the corporation shall fail to commence operations within 6 years after the effective date of this act, then the provisions of this act shall cease to be effective.

**SECTION 22.** This act shall take effect upon its passage.

Approved May 16, 2007.



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**Chapter 41. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF FRANKLIN TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the town council of the town of Franklin may grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138 to Lincoln Street Market, Inc. The license shall be subject to all of said chapter 138 except said section 17.

**SECTION 2.** The issuance of said license shall be within the sound discretion of the town council of the town of Franklin.

**SECTION 3.** This act shall take effect upon its passage.

Approved May 16, 2007.

**Chapter 42. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2007 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2007 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2007, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. Such sums shall be in addition to any amounts previously appropriated and made available for the purposes of such items.

**SECTION 2.**

**JUDICIARY**

*Committee for Public Counsel Service*

0321-1520 ..... \$4,133,657

*Trial Court*

0330-0102 ..... \$500,307

0330-3200 ..... \$3,600,000

**SECRETARY OF THE COMMONWEALTH**

0521-0000 ..... \$815,624

**SHERIFFS**

*Franklin Sheriff's Department*

8910-0108 ..... \$546,303

*Essex Sheriff's Department*

8910-0619 ..... \$752,012

**OFFICE OF THE STATE COMPTROLLER**

*Office of the State Comptroller*

1599-3384 ..... \$3,620,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Bureau of State Office Buildings*

1102-3302 ..... \$1,314,303

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

*Department of Conservation and Recreation*

2820-9005 ..... \$581,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**

*Highway Department*

6030-7201 ..... \$8,000,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Public Health*

4590-0915 ..... \$1,799,000

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*Department of Social Services*

4800-0038 .....	\$7,007,359
4800-0041 .....	\$8,547,306

*Department of Mental Retardation*

5930-1000 .....	\$1,593,525
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*Department of Veterans' Services*

1410-0400 .....	\$1,054,000
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**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*County Corrections*

8910-0000 .....	\$17,000,000
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*Department of State Police*

8100-0000 .....	\$211,000
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*Department of Fire Services*

8324-0000 .....	\$267,000
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*Department of Correction*

8900-0001 .....	\$4,923,877
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**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Office of the Secretary*

1599-1001 For a reserve to provide grants to dairy farmers based upon a distribution formula developed by the department of agricultural resources; provided, that said department shall file the distribution plan with the executive office for administration and finance and the house and senate committees on ways and means not later than July 31, 2007 .....	\$3,600,000
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1599-1005	For a reserve to support the emergency needs of an emergency shelter with a 28-bed capacity contracted with the department of transitional assistance .....	\$100,000
1599-4229	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff and the Berkshire County Sheriff's Office Employees' Association and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover such positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 and 2008 such amounts as are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$454,350
1599-4230	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff and the Berkshire County Sheriff's Office Communications Center and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover such positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 and 2008 such as are necessary to	



meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$18,088

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Office of the Secretary*

- 8000-0054 For municipal police officer grants administered by the secretary of public safety and security to be expended for, but not limited to, targeted police hiring, training and related costs ... \$4,000,000
- 8100-0111 For a grant program to be known as the “Senator Charles E. Shannon, Jr. Community Safety Initiative”, to be administered by the executive office of public safety and security, to support regional, multidisciplinary approaches to combat gang violence through coordinated programs for prevention and intervention, coordinated law enforcement, including regional gang task forces and regional crime mapping strategies, focused prosecutions and reintegration strategies for ex-convicts; provided, that the secretary of public safety and security shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (2) demonstrate a commitment to regional, multijurisdictional strategies to deal with such community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (3) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (4) make a written commitment to match grant funds with a 25 per cent match provided by either municipal or private contributions; and (5) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorney’s offices, may apply for such funds; provided further, that such funds shall be considered one-time and grants awarded to public agencies and shall not annualize into fiscal year 2008 or subsequent years; provided further,

that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further, that the executive office of public safety and security shall publish guidelines and an application for the competitive portion of the grant program not later than August 15, 2007; provided further, that awards shall be made to applicants not later than December 15, 2007; and provided further, that the executive office of public safety and security may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering the program ..... \$11,000,000

**SECTION 2B.** To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2007, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations and to meet certain requirements of law, the sum set forth in this section is hereby authorized from the Intragovernmental Service Fund for the purposes specified in this section or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2007. Said sum shall be in addition to any amounts previously authorized and made available for the purposes of said item.

**OFFICE OF THE STATE COMPTROLLER**  
*Office of the State Comptroller*

1599-2040 ..... \$3,000,000

**SECTION 2C.I.** For the purpose of making available in fiscal year 2008 balances of appropriations which otherwise would revert on June 30, 2007, the unexpended balances of the maintenance appropriations in this section, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in said section 2 of said general appropriation act for fiscal year 2007; provided, however, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding items in said section 2 of the general appropriation act; but for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding items in said section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for such

purposes.

**SECRETARY OF THE COMMONWEALTH**

0521-0000 ..... \$815,624

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Executive Office for Administration and Finance*

1599-1001 ..... \$3,600,000

1599-4229 ..... \$454,350

1599-4230 ..... \$18,088

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT**

*Department of Workforce Development*

7002-0012 ..... \$4,400,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Executive Office of Public Safety and Security*

8000-0054 ..... \$4,000,000

8100-0111 ..... \$11,000,000

**SECTION 3.** Section 18H½ of chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 4, the words "December 31, 2007" and inserting in place thereof the following words:- June 30, 2008.

**SECTION 4.** Chapter 118E of the General Laws is hereby amended by striking out section 23, as amended by section 28 of chapter 58 of the acts of 2006, and inserting in place thereof the following section:-

Section 23. As used in this section, health care insurer, health insurer and health insurance shall include, but not be limited to, any health insurance company, health maintenance organization, group or nongroup health plan, self-insured plan, service benefit plan, managed care organization, pharmacy benefit manager or other public or private third party that is, by law, contract, agreement or arrangement legally responsible for payment of a claim for health care benefits.

Notwithstanding any general or special law to the contrary, the division shall be subrogated to the rights of a recipient of medical assistance under this chapter and may take any action available to such recipient to secure benefits under a policy issued by a health care insurer that is or may be liable to pay for health care benefits obtained by a recipient of medical assistance to the extent of any health care benefits provided by the division on behalf of such recipient or such recipient's dependents. A health care insurer shall reimburse the division for any health care benefits provided by the division on behalf of a recipient of medical assistance, and shall not reduce the amount of the total reimbursement by a division

payment; provided, however, that any part of the total that is a reimbursement for a division payment shall not exceed the amount actually paid by the division.

No health care insurer shall require written authorization from the recipient before honoring the division's rights pursuant to this section. A health care insurer shall respond to an inquiry by the division about a claim for payment for health care benefits and shall not deny a claim for payment for health care benefits solely on the basis of the date of submission of the claim, the type of format for the claim form or a failure to present proper documentation at the point of sale that is the basis of the claim if the claim is submitted by the division within a 3-year period beginning on the date on which the service was furnished and if any action by the division to enforce its rights with respect to a claim is filed within 6 years after the submission of the claim to the health insurer.

A recipient of medical assistance or a person legally obligated to support and have actual or legal custody of a recipient of medical assistance shall inform the division of any health insurance available to such recipient upon initial application and redetermination for eligibility for assistance and shall make known the nature and extent of any health insurance coverage to any person or institution that provides medical benefits to the recipient or the recipient's dependent.

A health care insurer shall not take into account that an individual is eligible for or is receiving benefits from the division when enrolling an individual or issuing a policy or agreement covering the individual or when administering or renewing a policy or agreement or when making a payment for health care benefits to the individual or on behalf of the individual, nor shall a policy or agreement issued, administered or renewed by a health care insurer contain a provision denying or reducing health care benefits to an individual who is eligible for or is receiving benefits from the division.

A provider of medical assistance under this chapter shall determine whether a recipient for whom it provides medical care or services which are or may be eligible for reimbursement under this chapter is a subscriber or beneficiary of a health insurance plan. The division shall be the payor of last resort and a provider shall request payment for medical care or services it provides from a health insurer which is or may be liable for the medical care or services so provided prior to requesting payment from the division.

Payment by the division under the medical assistance programs established by this chapter shall constitute payment in full. Subsequent to any such payment, a provider shall not recover from a health insurer an amount greater than the amount so paid by the division for a service for which the division is to be the payor of last resort.

Notwithstanding any general or special law to the contrary, all holders of health insurance information including, but not limited to, health insurers doing business in the commonwealth, all private and public entities who employ individuals in the commonwealth and all agencies of the commonwealth, shall provide sufficient information to the division or, in the case of such agencies, shall make other arrangements mutually satisfactory to both agencies, to enable the division: (a) to identify whether any of the following persons are or



could be beneficiaries under a policy of insurance in the commonwealth: (i) persons applying for or receiving medical assistance or benefits pursuant to this chapter or health services through an agency under the executive office of health and human services, and (ii) persons for whom hospitals and community health centers claim reimbursement payments from the uncompensated care pool under chapter 118G; and (b) to determine the nature of the coverage that is or was provided, including cost, scope, terms, periods of coverage, and any identifying name, address or number of the policy of insurance. All public and private entities who employ individuals in the commonwealth shall provide, when requested by an employee applying for or receiving benefits provided by the division, written information to the employee describing the availability of health insurance, if any, provided by or through the employer. The failure of an employer to provide an employee with the information shall not be grounds for denial of benefits by the division.

The division may, after notice and opportunity for hearing, garnish the wages, salary or other employment income of and shall, with the assistance of the department of revenue pursuant to section 3 of chapter 62D, withhold amounts from state tax refunds to any person who: (a) is required by a court or an administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance pursuant to this chapter; or (b) has received payment from a third party for the costs of those services to the child, but has not used the payments to reimburse either the other parent or guardian of the child or the provider of the services, to the extent necessary to reimburse the division for expenditures for those costs.

**SECTION 5.** Subsection (b) of section 31 of chapter 118G of the General Laws, as appearing in section 1 of chapter 268 of the acts of 2006, is hereby amended by striking out the third, fourth and fifth sentences and inserting in place thereof the following 4 sentences:- In addition, personal care attendants shall be treated as state employees solely for the purposes of sections 17A and 17G of chapter 180. Personal care attendants shall not be considered public employees or state employees for any purpose other than those set forth in this paragraph. The PCA quality home care workforce council shall be the employer, as defined by and solely for the purposes of said chapter 150E and sections 17A, 17G and 17J of said chapter 180 and deductions under said sections 17A, 17G and 17J may be made by any entity authorized by the commonwealth to compensate personal care attendants through the MassHealth personal care attendant program. Personal care attendants shall not be eligible for benefits through the group insurance commission, the state board of retirement or the state employee workers' compensation program.

**SECTION 6.** Subsection (d) of section 32 of chapter 118G, as so appearing, is hereby amended by striking out the words "The council" and inserting in place thereof the following words:- Subject to appropriation, the chairperson of the council with the council's approval.

**SECTION 7.** The definition of "Employer" in section 1 of chapter 150E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the

following sentence:- In the case of personal care attendants as defined in section 28 of chapter 118G, the employer shall mean the PCA quality home care workforce council or its designee as defined in section 29 of said chapter 118G.

**SECTION 8.** Section 7 of said chapter 150E, as so appearing, is hereby amended by inserting after the word "sheriff", in lines 8 and 23, the following words:- , the PCA quality home care workforce council.

**SECTION 9.** Section 9 of chapter 61 of the acts of 2002 is hereby amended by striking out, in line 1, the figure "2007" and inserting in place thereof the following figure:- 2008.

**SECTION 10.** Section 2A of chapter 58 of the acts of 2006 is hereby amended by striking out item 4000-0301 and inserting in place thereof the following item:-  
4000-0301 For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to, eligibility verification, disability evaluations, provider financial and clinical audits and other initiatives intended to enhance program integrity; provided, that \$150,000 shall be expended for MassHealth auditing within the office of the state auditor ..... \$1,350,000

**SECTION 11.** Item 0321-1510 of section 2 of chapter 139 of the acts of 2006 is hereby amended by striking out the figure "\$1,000,000" and inserting in place thereof the following figure:— \$2,500,000.

**SECTION 12.** Item 0321-1520 of said section 2 of said chapter 139 is hereby amended by striking out the figure "\$500,000" and inserting in place thereof the following figure:- \$1,068,670.

**SECTION 13.** Item 0810-0021 of said section 2 of said chapter 139 is hereby amended by striking out the figure "\$2,656,033" and inserting in place thereof the following figure:- \$2,806,033.

**SECTION 14.** Item 4000-0320 of said section 2 of said chapter 139 is hereby amended by inserting, after the words "rendered in the current fiscal year", the following words:- ; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.

**SECTION 15.** Notwithstanding any general or special law to the contrary, the chief justice for administration and management may transfer funds from items 0330-0101, 0330-0102, 0330-0103, 0330-0104, 0330-0105, 0330-0106 and 0330-0107 in section 2 of chapter 139 of the acts of 2006 to items 0330-0101, 0330-0102, 0330-0103, 0330-0104, 0330-0105, 0330-0106 and 0330-0107 in said section 2 of said chapter 139. The chief justice shall provide written notification to the house and senate committees on ways and means of any such transfers of funds within 30 days of the transfer.

**SECTION 16.** Notwithstanding any general or special law to the contrary, the executive office of health and human services may release the names and home addresses of personal care attendants to the American Arbitration Association for the purposes of section 31 of chapter 118G and chapter 150E of the General Laws.

**SECTION 17.** Notwithstanding any general or special law to the contrary, there shall be a dairy farm revitalization task force which shall consist of the following members: 1 farming representative who shall be appointed by the governor; 1 member from the milk processing community who shall be appointed by the governor; 1 representative of the Massachusetts Association of Dairy Farmers, Inc. who shall be appointed by the governor from a list of 6 names submitted by said Association; 1 representative of the Massachusetts Cooperative Milk Producers Federation, Inc. who shall be appointed by the governor from a list of 6 names submitted by said Federation; the secretary of energy and environmental affairs or his designee; 2 members who shall be appointed by the secretary of energy and environmental affairs; the commissioner of agricultural resources or his designee; 1 member who shall be appointed by the commissioner of agricultural resources; the commissioner of energy resources or his designee; the commissioner of public health or his designee; 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; and 3 members of the senate, 1 of whom shall be appointed by the minority leader. The task force shall be chaired jointly by the secretary of energy and environmental affairs and the commissioner of agricultural resources, or their designees.

The task force shall investigate short and long-term solutions to preserving and strengthening the dairy farm industry. The investigation shall include methods to promote the innovation in, and the revitalization of, the Massachusetts dairy farming community including, without limitation, investigating the impact of increased fixed costs borne by the dairy farming community including, but not limited to: fuel prices; healthcare and insurance; promoting locally produced milk; and promoting alternative and renewable energy uses for farmers. The task force shall report its findings, together with legislation, if any, to the clerks of the senate and house of representatives, the chairs of the joint committee on environment, natural resources and agriculture and the senate and house committees on ways and means not later than October 1, 2007.

**SECTION 18.** Notwithstanding any general or special law to the contrary, the secretary of health and human services may authorize transfers from items 4000-0430, 4000-0600, 4000-0620, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400, and 4000-1405 in section 2 of chapter 139 of the acts of 2006 to item 4000-0500 of said section 2 of said chapter 139 for the purposes of reducing any deficiency in item 4000-0500, but the sum of these transfers shall not exceed \$230,000,000; provided, however, that any such transfer shall take place not later than June 30, 2007.

Approved May 16, 2007.



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**Chapter 43. AN ACT RELATIVE TO THE MAXIMUM AGE REQUIREMENT  
FOR POLICE OFFICERS FOR THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 58A of chapter 31 of the General Laws or any other general or special law to the contrary, no person shall be eligible to have his name certified for original appointment to the position of police officer in the city of Boston if such person has reached his fortieth birthday on the date of the entrance examination.

**SECTION 2.** This act shall take effect upon its passage.

Approved May 18, 2007.

**Chapter 44. AN ACT RELATIVE TO THE SALE OF LAND BY THE  
MASSACHUSETTS WATER RESOURCES AUTHORITY.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the Massachusetts Water Resources Authority to dispose of real property in the city of Quincy, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Pursuant to subsection (d) of section 9 of chapter 372 of the acts of 1984 and notwithstanding any other general or special law, ordinance or rule or regulation to the contrary, the Massachusetts Water Resources Authority, may convey to Quincy Shipyard, LLC, a limited liability company, or its nominee Fore River Marine Terminal, LLC, a Massachusetts limited liability company, a certain parcel of land owned by the authority in the city of Quincy, consisting of approximately 320,385 square feet of land and 298,468 square feet of water. The parcel, generally located on South street, is more particularly described as Lot 7C1 in a plan titled "Subdivision Plan of Land, Lot 7C, South Street in Quincy, Massachusetts (Norfolk County), Fore River Shipyard," dated February 3, 2005, by Bryant Associates, Inc, signed by James E. Peterson, Registered PLS. The consideration for the conveyance shall be not less than \$4,411,000.00.

**SECTION 2.** Notwithstanding any other general or special law, ordinance or regulation to the contrary, no unit, including associated buildings and ancillary structures, designed for, or capable of, the storage and or refining of more than two thousand gallons of oil or refined oil products shall be permitted on the property currently referred to as Lot 7C1 in the plan titled "Subdivision Plan of Land, Lot 7C, South Street in Quincy, Massachusetts (Norfolk County), Fore River Shipyard".

Approved May 30, 2007.



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**Chapter 45. AN ACT RELATIVE TO THE RELOCATION AND ALTERATION OF THE LAYOUT OF HIGH POLE HILL ROAD IN THE TOWN OF PROVINCETOWN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 21 to 24, inclusive, of chapter 82 of the General Laws, the board of selectmen of the town of Provincetown may from time to time relocate and alter the layout of High Pole Hill road, a public town way laid out by the selectmen, reported for acceptance on October 25, 1853 and accepted by the town of Provincetown on November 15, 1853, and further laid out by the selectmen, reported for acceptance on January 27, 1862 and accepted by the town of Provincetown on February 10, 1862, the relocation and alteration to become effective upon vote of the board of selectmen that public convenience and necessity require the relocation and alteration, and filing of an order of relocation and alteration and plan of relocation and alteration with the town clerk and acceptance by vote of the town meeting is not required under this act, provided that the necessary land or interest in land for the relocation and alteration is acquired by gift or purchase under this act or by eminent domain if a waiver of appraisal and damages is given by the owner of the land affected by the taking; and provided, further that the acquisition of the necessary land or interest shall be accomplished within 1 year of the filing of the order of relocation and alteration and plan with the town clerk or the relocation and alteration shall be void, but may be re-voted under this act.

**SECTION 2.** The board of selectmen of the town of Provincetown may acquire by gift from the Cape Cod Pilgrim Memorial Association of Provincetown, a Massachusetts non-profit corporation, its successors and assigns hereinafter referred to as the association, the fee ownership interest or an easement for all purposes for which public ways are used within the town of Provincetown within the layout of High Pole Hill road, as the layout may change from time to time, and may accept a deed of the fee or the easement subject to a restriction whereby the board of selectmen is obligated to further alter the layout of High Pole Hill road to another reasonably convenient location if requested to do so by the association and if the association grants to the town of Provincetown the necessary easement or fee within the layout of High Pole Hill road as so further altered and bears the design and construction cost of the further alteration.

**SECTION 3.** The board of selectmen of the town of Provincetown in connection with the alteration of layout of High Pole Hill road from time to time, may, for consideration as the selectmen shall consider appropriate, which may be nominal consideration, release to the owner of the underlying fee in the land within the layout all right, title and interest of the town of Provincetown in the land and, if the land within the layout is held in fee by the town of, the board of selectmen of the town of Provincetown may grant a release deed to the association of said land, including without limitation the land shown as "West Approach – East Approach" on the plan titled "Plan of Land in Provincetown," prepared by George F. Clements., CE., dated January 21, 1938, filed with land registration office on April 11, 1938

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as Plan No. 16813A, notwithstanding the requirements of sections 15 and 15A of chapter 40 of the General Laws.

**SECTION 4.** The association may grant to the town of Provincetown the fee of ownership interest or an easement for all purposes for which public ways are used within the town of Provincetown within the layout of High Pole Hill road, as the layout may change from time to time, notwithstanding that the land within the layout is part of the land granted to the association by the commonwealth by deed dated February 8, 1960, recorded with the Barnstable county registry of deeds in Book 1071, Page 23, pursuant to chapter 421 of the acts of 1959 and the conveyance, or the use of a portion of the land as a public town way rather than a free public parking area shall not cause all or any portion of the land to revert to the commonwealth, notwithstanding said act.

**SECTION 5.** Nothing in this act shall prevent the town of Provincetown from acting with respect to High Pole Hill road as provided in sections 21 to 24, inclusive, of chapter 82 of the General Laws should the town prefer to proceed under the General Laws, and should the town proceed under the General Laws, nothing shall prevent the town from exercising its power of eminent domain under chapter 79 of the General Laws with respect to High Pole Hill road.

**SECTION 6.** This act shall take effect upon its passage.

Approved June 7, 2007.

## **Chapter 46. AN ACT EXEMPTING THE POSITION OF SUPERINTENDENT OF POLICE IN THE CITY OF LOWELL FROM THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 112 of the acts of 1924 is hereby repealed.

**SECTION 2.** The position of superintendent of police in the city of Lowell shall be exempt from chapter 31 of the General Laws.

**SECTION 3.** Section 2 shall not impair the civil service status of any person holding the position of superintendent of police, other than acting or temporary, in the city of Lowell on the effective date of this act.

**SECTION 4.** This act shall take effect upon its passage.

Approved June 7, 2007.

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**Chapter 47. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JACQUELINE C. RUSSO, AN EMPLOYEE OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for an employee of the department of housing and community development, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of housing and community development shall establish a sick leave bank for Jacqueline C. Russo, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Jacqueline C. Russo. When Jacqueline C. Russo terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved June 7, 2007.

**Chapter 48. AN ACT AUTHORIZING THE TOWN OF CHATHAM TO LEASE CERTAIN BUILDINGS.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the town of Chatham may enter into leases for up to 99 years for 4 buildings located at 831 Orleans road, 847 Orleans road, 589 Old Comers road and 595 Old Comers road in North Chatham with prospective tenants at the former MCI/Marconi RCA Wireless Receiving Station.

Approved June 7, 2007.

**Chapter 49. AN ACT ESTABLISHING A SICK LEAVE BANK FOR YANIRIS CABRERA, AN EMPLOYEE OF THE TRIAL COURT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

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Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Yaniris Cabrera, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Yaniris Cabrera. Whenever Yaniris Cabrera terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid leave bank.

Approved June 13, 2007.

**Chapter 50. AN ACT RELATIVE TO CERTAIN REAL PROPERTY IN THE CITY OF NORTHAMPTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 6 of chapter 40A of the General Laws or any other general or special law or ordinance to the contrary, the property located at 540 Ryan road in the city of Northampton, shown on city map 29 as lots 106 and 107, shall be deemed to be 2 separate lots and shall be subject to all applicable grandfather protections.

**SECTION 2.** This act shall take effect upon its passage.

Approved June 13, 2007.

**Chapter 51. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF JUNETEENTH INDEPENDENCE DAY.**

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15AAAAA the following section:-

Section 15BBBBB. The governor shall annually issue a proclamation setting apart the nineteenth of June as Juneteenth Independence Day, to be observed on the Sunday that is closest to June 19th of each year, in recognition of June 19, 1865 when Union General Gordon Granger announced freedom for all slaves in the Southwestern United States and in recognition of the end of slavery in the United States as well as the significant contributions, individuals of African decent have made to the commonwealth and to the United States and recommending that said day be observed in an appropriate manner by the people.

Approved June 16, 2007.



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**Chapter 52. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO EXTEND THE ELECTION DATE FOR APPROVING A DEBT EXCLUSION VOTE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding paragraph (m) of section 21C of chapter 59 of the General Laws with regard to the time of holding a ballot question election, the town of Sudbury may hold such an election on a date later than September 15, 2007.

**SECTION 2.** This act shall take effect upon its passage

Approved June 21, 2007.

**Chapter 53. AN ACT REGULATING PRELIMINARY ELECTIONS IN THE CITY OF WOBURN.**

*Be it enacted, etc., as follows:*

Section 1 of chapter 139 of the acts of 1946 is hereby amended by striking out the first sentence and inserting in place thereof the following 4 sentences:- Except as otherwise provided herein, for every regular or special city election in the city of Woburn at which any elective municipal office is to be filled, there shall be held a preliminary election for the purpose of nominating candidates therefore. The board of aldermen shall fix the day of holding preliminary elections. The date fixed shall be no later than the sixth Tuesday preceding the regular or special election. The action of the board of aldermen in fixing the date of the preliminary election shall be taken not later than the sixtieth day before the date so fixed.

Approved June 25, 2007.

**Chapter 54. AN ACT MAKING CERTAIN APPROPRIATIONS FOR FISCAL YEAR 2008 BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$1,200,000,000 is hereby appropriated for the fiscal year ending June 30, 2008, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the various departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures,

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for other necessary services, and for meeting certain requirements of law. This appropriation shall cease to be operative as of the effective date of the general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this section shall be consistent with appropriations made in the general appropriation act.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2007, but which are necessary to fund obligations during fiscal year 2008, are hereby re-authorized; but this re-authorization shall terminate upon enactment of capital account extension legislation.

**SECTION 3.** The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines issued by the secretary.

**SECTION 4.** Sections 1 and 3 shall take effect on July 1, 2007. Section 2 shall take effect on June 30, 2007.

Approved June 25, 2007.

## **Chapter 55. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN LAND TO THE CITY OF BOSTON.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of certain land in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the Massachusetts Water Resources Authority, may grant to the city of Boston, for consideration as provided in subsection (a) of section 7, certain permanent easements in lands located in the city of Boston adjacent to Chelsea street, which permanent easements consist of permanent easement "A", permanent easement "B", 2 permanent gate easements located on the northeasterly side of Chelsea street in the city of Boston and 1 permanent gate easement located on the southwesterly side of said Chelsea street, all as shown on a plan titled "Sketch of proposed Areas to be Acquired by the City of Boston", dated May 21, 2003, and on file with said division and authority. The permanent easements are to be granted to the city for the purpose of constructing a new Chelsea

street bridge.

(b) The permanent easements described in subsection (a) shall be granted to the city of Boston without interference with or prejudice to the rights of the Massachusetts Water Resources Authority to access, operate and maintain its water and sewer facilities located in, upon or adjacent to the permanent easement areas. In addition, unless a written permit of the Massachusetts Water Resources Authority shall have first been obtained, no buildings or structures, or foundations of buildings or structures, or parts thereof, shall be erected or maintained in or upon any part of the easement areas authorized by this section.

**SECTION 2.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the Massachusetts Water Resources Authority, may grant to the city of Boston, for consideration as provided in subsection (a) of section 7, certain temporary construction easements in lands located in the city of Boston adjacent to Chelsea street, which temporary construction easements consist of temporary construction easement “A” and temporary construction easement “B”, as shown on a plan titled “Sketch of proposed Areas to be Acquired by the City of Boston”, dated May 21, 2003, and on file with the division of capital asset management and maintenance and the authority. The temporary construction easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

**SECTION 3.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may grant to the city of Boston, for consideration as provided in subsection (b) of section 7, certain permanent easements in land located in the city of Chelsea adjacent to Chelsea street, which permanent easements consist of permanent easement “A” and permanent easement “B”, as shown on a plan titled “Sketch of proposed Areas to be Acquired by the City of Boston”, dated July 7, 2003, and on file with the division of capital asset management and maintenance and the department of conservation and recreation. The permanent easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

**SECTION 4.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may grant to the city of Boston, for consideration as provided in subsection (b) of section 7, certain temporary construction easements in land located in the city of Chelsea adjacent to Chelsea street, which temporary construction easements consist of temporary construction easements “A1” and “A2” and temporary construction easement “B”, as shown on a plan titled “Sketch of proposed Areas to be Acquired by the City of Boston”, dated July 7, 2003, and on file with the division of capital asset management and maintenance and the department of conservation and recreation. The temporary construction

easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

**SECTION 5.** The exact boundaries of the easement areas described in sections 1, 2, 3 and 4 shall be determined by the commissioner of capital asset management and maintenance, in consultation with the Massachusetts Water Resources Authority and the commissioner of conservation and recreation, after completion of 1 or more surveys.

**SECTION 6.** The city of Boston shall be responsible for any costs for surveys, recording and other expenses relating to the grant of easements to the city of Boston pursuant to sections 1, 2, 3 and 4.

**SECTION 7.** (a) In consideration for the grant of the easements described in sections 1 and 2, the city of Boston, notwithstanding any special or general law to the contrary, shall relinquish to the commonwealth ownership, or any interest of the city thereto, of the property located at 600 Chelsea street in the East Boston district of the city of Boston, described as Parcel Two in the Metropolitan District Commission Order of Taking, recorded with Suffolk county registry of deeds in book 5757, page 252, dated January 5, 1939, and bounded and described as follows:

Beginning at the intersection of the boundary line between land of the commonwealth metropolitan district commission, and land of the city of Boston with the southeasterly pierhead line of Chelsea creek, which point is distant south 51 degrees, 4 minutes and 43 seconds, west measuring along the pierhead line of Chelsea creek 51.90 feet from the intersection of the pierhead line with the southwesterly side line of Chelsea street; Thence the line runs south 40 degrees, 28 minutes, 47 seconds east by said land of the commonwealth of Massachusetts 110.10 feet to a point in the northwesterly sideline of a taking by the commonwealth dated February 18, 1893, 33.83 feet to a point at land now or formerly of the Standard Oil Co. 127.66 feet to said southeasterly pierhead line of Chelsea creek; Thence north 51 degrees 04 minutes, 42 seconds east by said pierhead line 30.01 feet to the point of beginning; comprising 3,580 square feet more or less land supposed to be owned by the city of Boston.

(b) In consideration for the grant of easements described in sections 3 and 4, the city of Boston shall pay to the commissioner of conservation and recreation the full and fair market value of said easements. The payment to the department of conservation and recreation shall be deposited in the Division of Urban Parks Trust Fund, established by section 34 of chapter 92 of the General Laws.

**SECTION 8.** No document granting the easements in the property authorized in sections 1, 2, 3 and 4 shall be valid unless such document provides that the property shall be used solely for the purposes as described in said sections 1, 2, 3 and 4. Any document granting the easements described in sections 1 and 2 shall include a clause providing that if any easement area ceases to be used for such purposes, then, upon the recording of notice in the Suffolk county registry of deeds by the commissioner of capital asset management and maintenance, said easement shall terminate and be of no further force and effect. Any document granting the easements described in sections 3 and 4 shall include a clause providing



that if any easement area ceases to be used for such purposes, then, upon the recording of notice in the Suffolk county registry of deeds by the commissioner of capital asset management and maintenance, said easement shall terminate and be of no further force and effect, and said property shall revert to the commonwealth to be used for the purposes stated in article XCVII of the amendments to the constitution.

**SECTION 9.** All temporary construction easements granted to the city of Boston pursuant to sections 2 and 4 shall terminate on December 31, 2012, or upon re-acceptance of the Chelsea street bridge by the city of Boston, whichever shall first occur, and said temporary construction easements shall then revert to the commonwealth to be used for their original purposes.

Approved June 27, 2007.

## **Chapter 56. AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO CONVEY A CERTAIN PARCEL OF LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Wellesley may convey a certain parcel of parkland to Erik Garpestad and Kathleen E. Walsh to be used for residential purposes. Said parcel is shown as Lot X on a plan of land entitled "Plan of Land in Wellesley, MA, 12 Marvin Road" prepared by Bruce Bradford, Professional Land Surveyor, dated February 9, 2005, a copy of which is on file in the office of the town clerk. Said conveyance shall not be made until the town has acquired good title to a parcel owned by Garpestad and Walsh, which is shown as Lot Y on said plan.

**SECTION 2.** In consideration of the conveyance authorized in section 1, Erik Garpestad and Kathleen E. Walsh shall convey to the town the parcel shown as Lot Y on said plan for parkland purposes and held under the control of the natural resources commission. The town may grant to Erik Garpestad and Kathleen E. Walsh, their successors and assigns, an easement to allow a storm drainage pipe to pass through said Lot Y. The board of selectmen shall determine whether Lot Y is equal to or greater than the full and fair market value of Lot X, or its value in use as proposed, whichever is greater, as determined by independent appraisal. If there is a disparity in these values in favor of the grantee, the grantee shall pay a sum equal to the difference to the town of Wellesley for deposit in its open space fund or otherwise dedicated to open space preservation.

**SECTION 3.** This act shall take effect upon its passage.

Approved June 27, 2007.

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**Chapter 57. AN ACT AUTHORIZING THE TOWN OF NORTH READING TO CONVEY AND ACQUIRE LAND.**

*Be it enacted, etc., as follows:*

Notwithstanding section 16 of chapter 30B of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of North Reading may convey a parcel of land owned and acquired by the town for park purposes and shown in an order of taking recorded with Middlesex south registry of deeds in Book 44544 at Page 223 and also shown as “Parcel B” on a plan entitled “Plan of Land in North Reading, Massachusetts Prepared for Town of North Reading” dated June 28, 2005, prepared by LeBlanc Survey Associates, Inc., a copy of which plan is on file with the town clerk, to Klaus and Brigitte Kubierschky in consideration of the exchange of “Parcel A” shown on said plan and on such other terms and conditions as the selectmen deem appropriate.

The board of selectmen of the town of North Reading may acquire from Klaus and Brigitte Kubierschky, in consideration of the exchange of “Parcel B”, “Parcel A” as shown on said plan for park purposes, or related activities.

Approved June 27, 2007.

**Chapter 58. AN ACT AUTHORIZING THE TOWN OF NORTH READING TO CONVEY AND ACQUIRE LAND.**

*Be it enacted, etc., as follows:*

Notwithstanding section 16 of chapter 30B of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of North Reading may convey a parcel of land owned and acquired by the town for park purposes and shown in an order of taking recorded with Middlesex south registry of deeds in Book 44544 at Page 223 and also shown as “Lot B” on a plan entitled “Plan of Land 32-36 Maple Road, North Reading, Massachusetts Prepared for Town of North Reading”, to Todd Ferrazanni in consideration of the exchange of “Lot A” shown on said plan and on such other terms and conditions as the selectmen consider appropriate.

The board of selectmen of the town of North Reading may acquire from Todd Ferrazanni in exchange of “Lot B”, “Lot A” as shown on said plan for park purposes, or related activities.

Approved June 27, 2007.

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**Chapter 59. AN ACT ESTABLISHING A SICK LEAVE BANK FOR THOMAS A. CONNOLLY, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Thomas A. Connolly, an employee of the department of correction. Any employee of said department may voluntarily contribute 1 or more of his sick, personal or vacation days to said sick leave bank for use by Thomas A. Connolly. Upon such time as Thomas A. Connolly terminates his employment with the department of correction or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.

Approved July 5, 2007.

**Chapter 60. AN ACT ERELATIVE TO THE USE OF A CERTAIN VOTING EQUIPMENT SYSTEM IN THE CITY OF HAVERHILL.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 34 of chapter 54 of the General Laws or any other general or special law to the contrary, the city of Haverhill, may use the voting equipment system approved by the city council May 22, 2007, at all primaries, preliminary elections and elections held in the city of Haverhill, until otherwise ordered by vote of the city council. The voting equipment system shall be used in polling places designated by the city council.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 5, 2007.

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**Chapter 61. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2007, and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2008. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth. Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

**SECTION 1A.** In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2008 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing



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such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

### Fiscal Year 2008 Revenue by Source and Budgeted Fund (in Millions)

Source	All Budgeted Funds*	General Fund	Highway Fund	School Building Trust	MBTA
Alcohol. Bev.	72.0	72.0			
Cigarettes	426.3	426.3			
Corporations	1,518.5	1,518.5			
Deeds	177.0	177.0			
Estate Inher.	225.0	225.0			
Financial Institutions	254.4	254.4			
Income	11604.6	11604.6			
Insurance	439.9	439.9			
Motor Fuels	673.8	96.7	576.1		
Public Utils.	132.8	132.8			
Room Occupancy	114.2	74.2			
Sales-Regular	3,035.7	1,857.7		537.7	640.4
Sales-Meals	631.8	631.8			
Sales-Mot. Veh.	547.9	335.3		97.0	115.6
Miscellaneous	3.7	3.7			
UI Surcharges	21.5				
<b>Total Taxes</b>	<b>19,879.0</b>	<b>17,849.8</b>	<b>576.1</b>	<b>634.7</b>	<b>756.0</b>
<b>SBAB Transfer</b>	<b>(634.7)</b>			<b>(634.7)</b>	
<b>MBTA Transfer</b>	<b>(756.0)</b>				<b>(756.0)</b>
<b>Pension Transfer</b>	<b>(1,398.6)</b>	<b>(1,398.6)</b>			
<b>Total Taxes for Budget</b>	<b>17,089.7</b>	<b>16,451.2</b>	<b>576.1</b>	<b>0.0</b>	<b>0.0</b>
<b>Non-Tax Revenue</b>					
Federal Reimbursements	6,428.5	6,419.9	3.6		
Departmental Revenue	2,491.4	1,973.1	422.5		
Consolidated Transfers	580.8	896.2	(.4)		
<b>TOTAL REVENUE FOR BUDGET</b>	<b>26,590.4</b>	<b>25,740.4</b>	<b>1001.8</b>		

\* Includes revenue deposited into and transfers out of the Workforce Training Fund, Mass Tourism Fund, Inland Fish and Game Fund, and Stabilization Fund.

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**SECTION 1B.** The comptroller shall keep a distinct account of actual receipts of non-tax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with projected receipts set forth herein and to include a full statement comparing such receipts with projected receipts in the annual report for such fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

**Non-Tax Revenue: Department Summary**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
<b>Judiciary</b>			
Supreme Judicial Court	\$2,854,929	\$0	\$2,854,646
Committee for Public Counsel	\$40,000	\$750,000	\$790,000
Appeals Court	\$485,478	\$0	\$485,478
Trial Court	\$73,222,065	\$40,000,000	\$113,222,065
TOTALS:	\$76,602,472	\$40,750,000	\$117,328,361
<b>District Attorneys</b>			
Hampden District Attorney	\$0	\$0	\$0
District Attorney's Association	\$0	\$0	\$0
TOTALS:	\$0	\$0	\$0
<b>Office of the Governor</b>			
Office of the Governor	\$2,000	\$0	\$2,000
TOTALS:	\$2,000	\$0	\$2,000
<b>Office of the Secretary of State</b>			
Secretary of State	\$212,149,279	\$80,000	\$212,229,279
TOTALS:	\$212,149,279	\$80,000	\$212,229,279
<b>Office of the State Treasurer</b>			
Treasurer's Office	\$396,399,502	\$0	\$396,399,502
State Lottery Commission	\$184,352,829	\$935,028,283	\$1,119,381,112
Mass Cultural Council	\$0	\$0	\$0
Alcohol Beverages Control Commission	\$3,794,600	\$0	\$3,794,600
TOTALS:	\$584,546,931	\$935,028,283	\$1,519,575,214
<b>State Auditor's Office</b>			
State Auditor's Office	\$0	\$0	\$0
TOTALS:	\$0	\$0	\$0

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
<b>Office of the Attorney General</b>			
Attorney General	\$12,834,023	\$450,000	\$13,284,023
TOTALS:	\$12,834,023	\$450,000	\$13,284,023
<b>Ethics Commission</b>			
State Ethics Commission	\$0	\$0	\$0
TOTALS:	\$0	\$0	\$0
<b>Office of the Inspector General</b>			
Inspector General	\$0	\$493,819	\$493,819
TOTALS:	\$0	\$493,819	\$493,819
<b>Campaign and Political Finance</b>			
Campaign and Political Finance	\$32,250	\$0	\$32,250
TOTALS:	\$32,250	\$0	\$32,250
<b>Executive Office:</b>			
<b>Administration and Finance</b>			
Secretary of Administration and Finance	(\$400,000)	\$0	(\$400,000)
Comptroller's Office	\$570,837,234	\$0	\$570,837,234
TOTALS:	\$570,437,234	\$0	\$530,837,234
<b>Executive Office:</b>			
<b>Administration and Finance</b>			
Secretary of Administration and Finance	(\$361,325,326)	\$1,000,000	(\$360,325,326)
DCAMM	\$18,945,079	\$16,398,500	\$35,343,579
Bureau of State Office Buildings	\$151,000	\$0	\$151,000
Civil Service Commission	\$19,200	\$0	\$19,200
Group Insurance Commission	\$235,771,017	\$0	\$235,771,017
Division of Administrative Law Appeals	\$86,000	\$0	\$86,000
George Fingold Library	\$200	\$20,000	\$20,200
Department of Revenue	\$227,499,149	\$22,877,280	\$250,376,429
Appellate Tax Board	\$1,798,835	\$300,000	\$2,098,835
Human Resources Division	\$554,295	\$1,677,500	\$2,231,795
Division of Operational Services	\$534,850	\$1,358,000	\$1,892,850
Operational Services Division	\$0	\$0	\$0
Division of Information Technology	\$1,150	\$479,350	\$480,500
TOTALS:	\$124,035,449	\$44,110,630	\$168,146,079

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
<b>Executive Office:</b>			
<b>Environmental Affairs</b>			
Secretary of Environmental Affairs	\$4,971,463	\$625,000	\$5,596,463
Department of Environmental Protection	\$42,026,822	\$1,200,000	\$43,226,822
Department of Fish and Game	\$14,218,900	\$217,989	\$14,436,889
Department of Agricultural Resources	\$4,375,256	\$0	\$4,375,256
Department of Conservation and Recreation	\$13,044,401	\$8,504,826	\$21,549,227
<i>TOTALS:</i>	<b>\$78,636,842</b>	<b>\$10,547,815</b>	<b>\$89,184,657</b>
<b>Department of Early Education and Care</b>			
Department of Early Education and Care	\$194,442,398	\$0	\$194,442,398
<i>TOTALS :</i>	<b>\$194,442,398</b>	<b>\$0</b>	<b>\$194,442,398</b>
<b>Executive Office:</b>			
<b>Health and Human Services</b>			
Veterans Affairs	\$10,000	\$300,000	\$315,000
Secretary of Health and Human Services	\$2,886,951,021	\$225,000,000	\$3,111,951,021
Division of Health Care Finance and Policy	\$17,125,000	\$0	\$17,125,000
Mass Commission for the Blind	\$3,809,199	\$0	\$3,809,199
Mass Rehabilitation Commission	\$2,725,257	\$0	\$2,725,257
Mass Commission for the Deaf	\$148,000	\$0	\$148,000
Chelsea Soldiers' Home	\$10,745,136	\$300,661	\$11,045,797
Office of Child Care Services	\$0	\$0	\$0
Holyoke Soldiers' Home	\$12,925,096	\$450,442	\$13,375,538
Department of Youth Services	\$6,103,958	\$0	\$6,103,958
Department of Transitional Assistance	\$403,217,406	\$7,000,000	\$410,217,406
Department of Public Health	\$86,122,463	\$63,167,281	\$149,289,744
Department of Social Services	\$224,429,445	\$5,000,000	\$229,429,445
Department of Mental Health	\$115,423,619	\$125,000	\$115,548,619
Department of Mental Retardation	\$442,581,553	\$150,000	\$442,731,553
Office of Elder Affairs	\$1,312,368,917	\$0	\$1,312,368,917
<i>TOTALS:</i>	<b>\$5,524,691,070</b>	<b>\$301,493,384</b>	<b>\$5,826,184,454</b>



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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
<b>Executive Office: Transportation</b>			
Secretary of Transportation	\$668,512	\$27,344	\$695,856
Mass Aeronautics Commission	\$422,850	\$0	\$422,850
Mass Highway	\$8,605,000	\$7,000,000	\$15,605,000
Registry of Motor Vehicles	\$431,320,000	\$0	\$431,320,000
TOTALS:	\$441,016,362	\$7,027,344	\$448,043,706
<b>Board of Library Commissioners</b>			
Board of Library Commissioners	\$2,000	\$0	\$2,000
TOTALS:	\$2,000	\$0	\$2,000
<b>Executive Office: Economic Development</b>			
Department of Labor	\$1,566,030	\$152,850	\$1,718,880
Secretary of Economic Development	\$0	\$0	\$0
Department of Industrial Accidents	\$20,752,788	\$0	\$20,752,788
Labor Relations Commission	\$0	\$0	\$0
Board of Conciliation and Arbitration	\$105,700	\$0	\$105,700
Department of Workforce Development	\$205,500	\$0	\$205,500
Division of Banks	\$15,695,355	\$0	\$15,695,355
Division of Insurance	\$81,176,410	\$0	\$81,176,410
Division of Professional Licensure	\$14,208,490	\$0	\$14,208,490
Division of Standards	\$1,366,200	\$818,900	\$2,185,100
Department of Public Utilities	\$11,240,669	\$75,000	\$11,315,669
Department of Telecommunications and Cable	\$2,446,137	\$0	\$2,446,137
State Racing Commission	\$4,325,365	\$0	\$4,325,365
Division of Energy	\$680,498	\$0	\$680,498
TOTALS:	\$153,769,142	\$1,046,750	\$154,815,892
<b>Division of Housing and Community Development</b>			
Division of Housing and Community Development	\$2,602,560	\$2,334,014	\$4,936,574
TOTALS:	\$2,602,560	\$2,334,014	\$4,936,574
<b>Department of Education</b>			
Department of Education	\$7,896,800	\$0	\$7,896,800

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
<i>TOTALS:</i>	<b>\$7,896,800</b>	<b>\$0</b>	<b>\$7,896,800</b>
<b>Board of Higher Education</b>			
Board of Higher Education	(\$3,400,000)	\$0	(\$3,400,000)
University of Massachusetts	\$53,000,000	\$0	\$53,000,000
Bridgewater State College	\$4,732,478	\$0	\$4,732,478
Fitchburg State College	\$2,726,000	\$0	\$2,726,000
Framingham State College	\$3,461,214	\$0	\$3,461,214
Massachusetts College of Liberal Arts	\$998,275	\$0	\$998,275
Salem State College	\$3,500,550	\$0	\$3,500,550
Westfield State College	\$3,902,800	\$0	\$3,902,800
Worcester State College	\$3,537,000	\$0	\$3,537,000
Massachusetts Maritime Academy	\$0	\$0	\$0
Berkshire Community College	\$423,000	\$0	\$423,000
Bristol Community College	\$746,000	\$0	\$746,000
Cape Cod Community College	\$587,200	\$0	\$587,200
Greenfield Community College	\$576,000	\$0	\$576,000
Holyoke Community College	\$1,233,000	\$0	\$1,233,000
Mass Bay Community College	\$1,110,000	\$0	\$1,110,000
Massasoit Community College	\$1,400,000	\$0	\$1,400,000
Mount Wachusett Community College	\$454,715	\$0	\$454,715
Northern Essex Community College	\$1,190,000	\$0	\$1,190,000
North Shore Community College	\$1,634,000	\$0	\$1,634,000
Quinsigamond Community College	\$1,088,000	\$0	\$1,088,000
Springfield Technical Community College	\$1,392,000	\$0	\$1,392,000
Roxbury Community College	\$450,000	\$529,843	\$979,843
Middlesex Community College	\$606,911	\$0	\$606,911
Bunker Hill Community College	\$1,625,000	\$0	\$1,625,000
<i>TOTALS:</i>	<b>\$86,974,923</b>	<b>\$529,843</b>	<b>\$87,504,766</b>
<b>Executive Office: Public Safety</b>			
Secretary of Public Safety	\$0	\$331,200	\$331,200
Chief Medical Examiner	\$44	\$1,300,000	\$1,300,044
Sex Offender Registry Board	\$210,000	\$0	\$210,000
Criminal History Systems Board	\$5,676,424	\$0	\$5,676,424

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Department of State Police	\$2,377,000	\$23,635,000	\$26,012,000
Criminal Justice Training Council	\$1,500	\$1,363,500	\$1,365,000
Department of Public Safety	\$17,148,040	\$1,898,600	\$19,046,640
Department of Fire Services	\$123,979	\$300,000	\$423,979
Merit Rating Board	\$32,000	\$0	\$32,000
Military Division	\$1,000	\$1,327,000	\$1,328,000
Emergency Management Agency	\$858,765	\$0	\$858,765
Department of Corrections	\$11,023,970	\$5,600,000	\$16,623,970
Parole Board	\$20,000	\$600,000	\$620,000
TOTALS:	\$37,472,722	\$36,355,300	\$73,828,022
Sheriffs			
Sheriff's Department Hampden	\$363,500	\$1,914,460	\$2,277,960
Sheriff's Department Worcester	\$178,300	\$0	\$178,300
Sheriff's Department Middlesex	\$132,000	\$1,000,000	\$1,132,000
Sheriff's Department Franklin	\$69,242	\$1,400,000	\$1,469,242
Sheriff's Department Hampshire	\$63,900	\$1,063,000	\$1,126,900
Sheriff's Department Berkshire	\$27,800	\$1,300,000	\$1,327,800
Sheriff's Department Essex	\$660,361	\$2,000,000	\$2,660,361
Sheriffs Association	\$0	\$0	\$0
TOTALS:	\$1,495,103	\$8,677,460	\$10,172,563
Mass Commission Against Discrimination			
Massachusetts Commission Against Discrimination	\$187,339	\$1,947,510	\$ 2,134,849
TOTALS:	\$187,339	\$1,947,510	\$2,134,849
Total Tax and Non-Tax Revenue:	\$8,109,826,899	\$1,390,872,152	\$9,500,699,051

SECTION 2.

JUDICIARY.  
Supreme Judicial Court.

0320-0003 For the operation of the supreme judicial court, including salaries of the chief justice and the 6 associate justices . . . . .	\$7,588,951
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0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county . . . . .	\$1,208,522
0321-0001	For the operation of the commission on judicial conduct . . . . .	\$565,278
0321-0100	For the services of the board of bar examiners . . . . .	\$1,087,055

*Committee for Public Counsel Services.*

0321-1500	For the operation of the committee for public counsel services, as authorized by chapter 211D of the General Laws; provided, that the committee shall submit a report to the clerks of the house of representatives and senate, not later than January 31, 2008, that shall include, but not be limited to, the following: (a) the number of clients assisted by the committee in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population and cost; (c) the total number of persons who received legal services by the committee, by type of case and geographic location; (d) the costs for services rendered per client, by type of case and geographic location; (e) the amount paid, if any, to the committee by clients for services rendered by type of case and geographic location; (f) the average cost for services rendered by the committee by type of case; and (g) the average number of hours spent per attorney or staff per type of case . . . . .	18,399,624
0321-1510	For compensation paid to private counsel assigned to criminal and civil cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 11 of said chapter 211D; provided, that not more than \$2,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2008 . . . . .	\$119,763,305
0321-1513	For the expansion of the public defender division pursuant to section 7 of chapter 54 of the acts of 2005; provided, that the committee shall submit a report to the house and senate committees on ways and means not later than January 31, 2008, on the progress of said expansion; provided further, that said report shall include the following: (1) the number of offices that have been opened; (2) the number of staff hired to work in the district offices; and (3) the estimated savings the commonwealth has realized from having cases assigned to public defenders as opposed to being assigned to private bar advocates; and provided further, that no funds from this appropriation shall support existing costs associated with line item 0321-1500 . . . . .	\$8,132,279



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0321-1518	The chief counsel for the committee for public services may expend an amount not to exceed \$750,000 from revenues collected from fees charged for attorney representation of indigent clients .....	\$750,000
0321-1520	For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that not more than \$1,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2008 .....	\$8,456,513
0321-1600	For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding section 9 of chapter 221A of the General Laws, \$1,204,604 shall be expended for the disability benefits project, \$544,286 shall be expended for the Medicare Advocacy Project, and \$2,490,993 shall be expended for the Battered Women's Legal Assistance Project; provided further, that the corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2008 that shall include, but not be limited to the following: (a) the number of persons whom the programs funded by the corporation assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; and (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services of the corporation, by type of case and geographic location; and provided further, that the corporation may contract with any organization for the purpose of providing the representation .....	\$9,670,424
0321-2000	For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws ...	\$773,248
0321-2100	For the Massachusetts correctional legal services committee .....	\$840,000
0321-2205	For the expenses of the social law library located in Suffolk county .....	\$2,129,671

*Appeals Court.*

0322-0100 For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices ..... \$11,037,284

*Trial Court.*

0330-0101 For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0102, 0330-0103, 0330-0104, 0330-0105, 0330-0106, 0330-0107; and provided further, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of said transfers within 30 days of such transfers . \$10,670,677

0330-0102 For the salaries of the justices of the district court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0101, 0330-0103, 0330-0104, 0330-0105, 0330-0106, 0330-0107; and provided further, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of said transfers within 30 days of such transfers . \$20,568,427

0330-0103 For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0101, 0330-0102, 0330-0104, 0330-0105, 0330-0106, 0330-0107; and provided further, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of said transfers within 30 days of such transfers ..... \$6,645,269

0330-0104 For the salaries of the justices of the land court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0101, 0330-0102, 0330-0103, 0330-0105, 0330-0106, 0330-0107; and provided further, that the chief justice of administration shall provide written notification to the house and senate committees on ways and means of said transfers within 30 days of such transfers ..... \$916,789

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0330-0105	For the salaries of the justices of the Boston municipal court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0101, 0330-0102, 0330-0103, 0330-0104, 0330-0106, 0330-0107; and provided further, that the chief justice of administration and management shall provide written notification to the house and senate committees on ways and means of said transfers within 30 days of such transfers . . . . .	\$3,911,242
0330-0106	For the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0101, 0330-0102, 0330-0103, 0330-0104, 0330-0105, 0330-0107; and provided further, that the chief justice of administration and management shall provide written notification to the house and senate committees on ways and means of said transfers within 30 days of such transfers . . . . .	\$1,307,375
0330-0107	For the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management may transfer funds from this item to items 0330-0101, 0330-0102, 0330-0103, 0330-0104, 0330-0105, 0330-0106; and provided further, that the chief justice of administration and management shall provide written notification to the house and senate committees on ways and means of said transfers of funds within 30 days of such transfers . . . . .	\$5,310,427
0330-0300	For the central administration of the trial court, including costs associated with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, rental of county court facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that funds may be expended for the judicial training institute; provided further, that the chief justice for administration and management shall expend funds for the purposes of acquiring, through a lease agreement, suitable space in the town of Belchertown for the district court of eastern Hampshire by October 1, 2008; provided further, that	

funds from this item or any other item shall not be expended for the cost associated with the district court of eastern Hampshire, unless said division is located in the town of Belchertown as of said date; provided further, notwithstanding any general or special law to the contrary, all criminal and civil business within the eastern Hampshire district court jurisdiction shall be conducted in the town of Belchertown as of said date; provided further, that the chief justice shall submit a report to the house and senate committees on ways and means not later than September 1, 2007 detailing the status of said lease agreement; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30, or any general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any veteran, as so defined, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who (1) has held the office or position for not less than 1 year and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32; provided further, that not less than \$100,000 shall be expended for the changing lives through literature program; provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; and provided further, that the report shall be submitted to the victim and witness assistance board on or before January 14, 2008 . . . . . \$134,412,460

0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General . . . . . \$236,975



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0330-0410	For alternative dispute resolution services for the trial court; provided, that the services shall be made available, to the extent possible, in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than \$75,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$65,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than \$65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$65,000 shall be expended for the Middlesex Multi-door Court House Program; provided further, that not less than \$40,000 shall be expended for the Martha's Vineyard Mediation Program; provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc. in the city of Springfield; and provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester .....	\$962,768
0330-0441	For permanency mediation services in the probate and juvenile courts .....	\$540,000
0330-3200	For the court security program, including personnel and expenses; provided, that the chief justice for administration and management shall submit a report to the house and senate	

- committees on ways and means not later than January 31, 2008, detailing the number of court officers and security personnel located in each trial court of the commonwealth . . . \$63,614,924
- 0330-3333 The chief justice for administration and management may expend an amount not to exceed \$20,000,000 from fees charged and collected pursuant to section 3 of chapter 90C, chapter 185, section 22 of chapter 218 and sections 2, 4A, 4C, 39 and 40 of chapter 262 of the General Laws; provided, that the chief justice shall only expend or allocate funds from this item to the 7 departments of the trial court for the operation of the departments; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made; provided further, that said schedule detailing the full allotment of said \$20,000,000 shall be submitted to the house and senate committees on ways and means not later than February 1, 2008; provided further, that the only revenue available for expenditure in this item for fiscal year 2008 shall be revenue collected from the fees in excess of the amount collected and deposited into the General Fund in fiscal year 2003 from the fees; provided further, that no allocation shall occur until the schedules have been approved by the committees; provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the chief justice may incur expenses and the comptroller shall certify for payments amounts not to exceed the lower of one half of this authorization or the most-recent revenue estimate therefor, as reported in the state accounting system . . . . . \$20,000,000
- 0330-3334 The chief justice for administration and management may expend an amount not to exceed \$20,000,000 from fees charged and collected pursuant to section 87A of chapter 276 of the General Laws; provided, that the chief justice shall expend or allocate funds from this item only to the district court and Boston Municipal Court departments of the trial court for the

operation of those departments; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made; provided further, that said schedule detailing the full allotment of said \$20,000,000 shall be submitted to the House and Senate Committees on Ways and Means no later than February 1, 2008; provided however, that the chief justice shall allocate or expend the funds authorized in this item in a manner that accounts for the individual district court's compliance with the third paragraph of said section 87A; and provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item . . . . . \$20,000,000

0330-3337 For additional expenses associated with the operation of the trial court; provided, that these funds may be transferred to all line items of the trial court department by the chief justice of administration and management; and provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made . . . . . \$20,457,323

*Superior Court Department.*

0331-0100 For the administrative office of the superior court department; provided, that, should departments, divisions, employees, services or functions of the Bristol superior court need to be relocated for any reason, including but not limited to the temporary relocation for the purposes of new courthouse construction or renovations, the relocation shall be limited to within 1 mile radius of the downtown area of the city of Taunton . . . . . \$6,248,393

0331-0300 For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws . . . . . \$59,323

0331-2100 For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . . \$716,338

0331-2200 For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration

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	of his office, including personnel, staff services and record keeping .....	\$201,536
0331-2300	For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping ..	\$858,760
0331-2400	For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping ..	\$160,515
0331-2500	For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,447,990
0331-2600	For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$391,781
0331-2700	For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,458,025
0331-2800	For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$310,264
0331-2900	For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$3,232,440
0331-3000	For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$135,265
0331-3100	For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,186,622
0331-3200	For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,087,829



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0331-3300	For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$2,974,243
0331-3400	For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,890,875
0331-3500	For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,070,743

*District Court Department.*

0332-0100	For the administrative office of the district court department, including a civil conciliation program .....	\$915,638
0332-1100	For the first district court of Barnstable .....	\$572,700
0332-1200	For the second district court of Barnstable at Orleans .....	\$411,571
0332-1203	For the third district court of Barnstable at Falmouth .....	\$411,198
0332-1300	For the district court of northern Berkshire at Adams, North Adams and Williamstown .....	\$290,588
0332-1400	For the district court of central Berkshire at Pittsfield .....	\$447,811
0332-1500	For the district court of southern Berkshire at Great Barrington and Lee .....	\$247,679
0332-1600	For the first district court of Bristol at Taunton .....	\$753,766
0332-1700	For the second district court of Bristol at Fall River .....	\$935,002
0332-1800	For the third district court of Bristol at New Bedford .....	\$1,009,806
0332-1900	For the fourth district court of Bristol at Attleboro .....	\$622,941
0332-2000	For the district court of Edgartown .....	\$180,356
0332-2100	For the first district court of Essex at Salem .....	\$745,807
0332-2300	For the third district court of Essex at Ipswich .....	\$211,236
0332-2400	For the central district court of northern Essex at Haverhill .....	\$634,726
0332-2500	For the district court of eastern Essex at Gloucester .....	\$318,536
0332-2600	For the district court of Lawrence .....	\$1,168,624
0332-2700	For the district court of southern Essex at Lynn .....	\$860,611
0332-2800	For the district court of Newburyport .....	\$524,576
0332-2900	For the district court of Peabody .....	\$535,770
0332-3000	For the district court of Greenfield .....	\$364,910
0332-3100	For the district court of Orange .....	\$299,904
0332-3200	For the district court of Chicopee .....	\$446,702
0332-3300	For the district court of Holyoke .....	\$467,704

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0332-3400 For the district court of eastern Hampden at Palmer .....	\$321,784
0332-3500 For the district court of Springfield .....	\$1,820,851
0332-3600 For the district court of western Hampden at Westfield .....	\$307,174
0332-3700 For the district court of Hampshire at Northampton .....	\$660,536
0332-3800 For the district court of eastern Hampshire at Belchertown .....	\$176,744
0332-3900 For the district court of Lowell .....	\$1,286,470
0332-4000 For the district court of Somerville .....	\$1,204,914
0332-4100 For the district court of Newton .....	\$391,033
0332-4200 For the district court of Marlborough .....	\$517,990
0332-4300 For the district court of Natick .....	\$446,702
0332-4400 For the first district court of eastern Middlesex at Malden .....	\$613,050
0332-4500 For the second district court of eastern Middlesex at Waltham ....	\$520,692
0332-4600 For the third district court of eastern Middlesex at Cambridge ....	\$1,305,353
0332-4700 For the fourth district court of eastern Middlesex at Woburn .....	\$720,429
0332-4800 For the first district court of northern Middlesex at Ayer .....	\$393,280
0332-4900 For the first district court of southern Middlesex at Framingham ...	\$825,997
0332-5000 For the district court of central Middlesex at Concord .....	\$499,996
0332-5100 For the district court of Nantucket .....	\$128,409
0332-5200 For the district court of northern Norfolk at Dedham .....	\$591,941
0332-5300 For the district court of East Norfolk at Quincy .....	\$1,670,748
0332-5400 For the district court of western Norfolk at Wrentham .....	\$498,135
0332-5500 For the district court of southern Norfolk at Stoughton .....	\$645,192
0332-5600 For the municipal court of Brookline .....	\$368,440
0332-5700 For the district court of Brockton .....	\$1,188,694
0332-5800 For the second district court of Plymouth at Hingham .....	\$679,577
0332-5900 For the third district court of Plymouth at Plymouth .....	\$844,049
0332-6000 For the fourth district court of Plymouth at Wareham .....	\$711,478
0332-6300 For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility-at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6 .....	\$886,843
0332-6900 For the central district court of Worcester .....	\$1,637,320
0332-7000 For the district court of Fitchburg .....	\$536,071
0332-7100 For the district court of Leominster .....	\$421,727

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0332-7200 For the district court of Winchendon . . . . .	\$147,068
0332-7300 For the first district court of northern Worcester at Gardner . . . . .	\$375,142
0332-7400 For the first district court of eastern Worcester at Westborough . . . .	\$426,068
0332-7500 For the second district court of eastern Worcester at Clinton . . . . .	\$494,857
0332-7600 For the district court of southern Worcester at Dudley . . . . .	\$507,025
0332-7700 For the second district court of southern Worcester at Uxbridge . . .	\$337,588
0332-7800 For the third district court of southern Worcester at Milford . . . . .	\$322,810
0332-7900 For the district court of western Worcester at East Brookfield . . . .	\$337,368

### *Probate and Family Court Department.*

0333-0002 For the administrative office of the probate and family court department . . . . .	\$1,307,828
0333-0100 For the Barnstable probate court . . . . .	\$981,581
0333-0150 For the operation of a child and parents program in the Barn- stable probate court . . . . .	\$79,495
0333-0200 For the Berkshire probate court . . . . .	\$515,505
0333-0300 For the Bristol probate court . . . . .	\$1,619,752
0333-0400 For the Dukes probate court . . . . .	\$122,327
0333-0500 For the Essex probate court . . . . .	\$1,305,319
0333-0600 For the Franklin probate court . . . . .	\$519,668
0333-0700 For the Hampden probate court . . . . .	\$2,607,285
0333-0711 For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court . . . . .	\$39,748
0333-0800 For the Hampshire probate court . . . . .	\$645,228
0333-0900 For the Middlesex probate court . . . . .	\$3,377,715
0333-0911 For the Middlesex probate court family services clinic . . . . .	\$193,762
0333-0913 For the Middlesex community access program of community outreach and education; provided, that the program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that the program shall be administered by the register of probate of Middlesex county . . . . .	\$191,719
0333-1000 For the Nantucket probate court . . . . .	\$175,577
0333-1100 For the Norfolk probate court . . . . .	\$1,515,401
0333-1111 For the Norfolk probate court family services clinic . . . . .	\$139,772
0333-1200 For the Plymouth probate court . . . . .	\$1,359,173
0333-1300 For the Suffolk probate court . . . . .	\$2,240,115
0333-1313 For the Suffolk probate community access program of communi- ty outreach and education; provided, that said program shall	

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be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county . . . . . \$250,000

0333-1400 For the Worcester probate court . . . . . \$1,704,394

0333-1411 For the Worcester probate court family services clinic . . . . . \$189,362

Land Court Department.

0334-0001 For the operation of the land court . . . . . \$2,386,331

Boston Municipal Court Department.

0335-0001 For the central division of the Boston municipal court department including the administrative costs of said court department . . . \$3,185,464

0335-0100 For the Brighton division of the Boston municipal court department . . . . . \$326,154

0335-0200 For the Charlestown division of the Boston municipal court department . . . . . \$232,655

0335-0300 For the Dorchester division of the Boston municipal court department . . . . . \$1,149,514

0335-0400 For the East Boston division of the Boston municipal court department . . . . . \$582,745

0335-0500 For the Roxbury division of the Boston municipal court department . . . . . \$1,116,770

0335-0600 For the South Boston division of the Boston municipal court department . . . . . \$407,439

0335-0700 For the West Roxbury division of the Boston municipal court department . . . . . \$733,061

Housing Court Department.

0336-0002 For the administrative office of the housing court department . . . . \$103,132

0336-0100 For the Boston housing court . . . . . \$932,876

0336-0200 For the western division of the housing court . . . . . \$691,755

0336-0300 For the Worcester county housing court . . . . . \$694,614

0336-0400 For the southeastern division of the housing court . . . . . \$1,214,514

0336-0500 For the northeastern division of the housing court . . . . . \$650,698

Juvenile Court Department.

0337-0002 For the administrative office of the juvenile court department . . . . \$895,237

0337-0100 For the Suffolk county juvenile courts . . . . . \$1,250,224

0337-0200 For the Bristol juvenile court . . . . . \$1,248,840



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0337-0300	For the Hampden county juvenile courts; provided further, that \$145,841 shall be expended for the CASA program in the Springfield Juvenile Courts .....	\$1,297,623
0337-0400	For the Worcester county juvenile courts; provided further, that \$72,920 shall be expended for the CASA program in the Worcester Juvenile Court .....	\$1,083,597
0337-0500	For the Barnstable county juvenile court, including the Barnstable county juvenile court located in the town of Plymouth .....	\$737,608
0337-0600	For the Essex county juvenile courts; provided further, that \$100,000 shall be expended for the CASA program in the Lawrence Juvenile Court .....	\$1,140,090
0337-0700	For the Hampshire and Franklin counties juvenile courts; provided further, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange, and Ware District Courts .....	\$686,132
0337-0800	For the Plymouth county juvenile courts; provided further, that \$72,920 shall be expended for the CASA program in the Plymouth County Juvenile Courts .....	\$790,686
0337-0900	For the Berkshire county juvenile courts; provided further, that \$54,690 shall be expended for a Berkshire CASA program, in the Berkshire County Juvenile Courts .....	\$499,471
0337-1000	For the Middlesex county juvenile courts .....	\$1,189,058
0337-1100	For the Norfolk county juvenile courts .....	\$916,996

### *Office of the Commissioner of Probation.*

0339-1001	For the office of the commissioner of probation; provided, that notwithstanding the any general or special law, rule or regulation to the contrary, the commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint	
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services as described in item 0339-1004; provided further that not less than \$2,771,000 shall be expended for costs associated with full implementation of chapters 303 and 418 of the acts of 2006 to ensure effective supervision of probationers who are monitored through global positioning system bracelets; provided further, that no funds shall be expended from this line item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to utilize the departments wage reporting and bank match system for the purpose of weekly tape-matching, so-called, for the purposes of determining an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that not less than \$100,000 shall be expended for the Central Massachusetts Probation Training Academy located in the town of Clinton for the purpose of maintaining current staffing levels and/or providing additional staff at the discretion of the Commissioner; provided further, that the office shall submit quarterly reports to the house and senate committees on ways and means detailing the progress of eligibility verification with the department; and provided further, that the report shall include, but not be limited to, the number of individuals to be found misrepresenting assets, revenue generated through collection of indigent client fees, the average indigent client fee that each court division collects per case since the effective date of this act, recommendations on improvements in verifying eligibility for counsel and other pertinent information to ascertain the effectiveness of verification ..... \$133,921,389

0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; and provided further, that no funds shall be expended from this line item to cover the costs of building leases ..... \$6,392,000

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0339-1004 For the cost of intensive supervision and community corrections programs; provided, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2008; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 30, 2008; provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to the probationers; and provided further, that not less than \$170,000 shall be expended for the relocation expenses of the Middlesex Community Corrections Center ..... \$17,612,697

*Office of the Jury Commissioner.*

0339-2100 For the office of the jury commissioner in accordance with chapter 234A of the General Laws ..... \$2,610,457

*Suffolk District Attorney.*

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that not more than \$125,000 shall be expended for a North Dorchester safe neighborhood initiative in Suffolk county; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district



	attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; provided further, that not less than \$150,000 shall be expended for additional support of the Gun Prosecution Task Force, also known as the Gun Court; and provided further, that office shall submit a report to the house and senate committees on ways and means not later than March 1, 2008 detailing the number of cases prosecuted pursuant to the Gun Court . . . . .	\$16,075,834
0340-0101	For the overtime costs of state police officers assigned to the Suffolk district attorney's office . . . . .	\$384,537
	General Fund . . . . .	11.80%
	Highway Fund . . . . .	88.20%

*Middlesex District Attorney.*

0340-0200 For the Middlesex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that not more than \$200,000 shall be expended for a Community Justice Initiative; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that the office shall submit a report to the house and

senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$12,605,911

0340-0201 For the overtime costs of state police officers assigned to the Middlesex district attorney's office . . . . .	\$532,558
General Fund . . . . .	11.80%
Highway Fund . . . . .	88.20%

*Eastern District Attorney.*

0340-0300 For the Eastern district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office

shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; and provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program . . . . . \$8,535,273

0340-0301 For the overtime costs of state police officers assigned to the Eastern district attorney's office . . . . . \$497,389

    General Fund . . . . . 11.80%

    Highway Fund . . . . . 88.20%

*Worcester District Attorney.*

0340-0400 For the Worcester district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district,

juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that \$75,000 may be expended for financial criminal investigations; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer

0340-0401	For the overtime costs of state police officers assigned to the Worcester district attorney's office	\$8,535,103
	General Fund	11.80%
	Highway Fund	88.20%
0340-0410	For the analyses of narcotic drug synthetic substitutes, poisons, drugs, medicines and chemicals at the University of Massachusetts medical school in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments	\$450,000



*Hampden District Attorney.*

0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer .....\$8,120,817

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0340-0501 For the overtime costs of state police officers assigned to the Hampden district attorney's office .....	\$358,881
General Fund .....	11.80%
Highway Fund .....	88.20%

*Hampshire/Franklin District Attorney.*

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in said fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less

than \$37,500; provided further, that not less than \$150,000 shall be expended for the salaries and expenses of a children's advocacy project; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer .....\$5,039,388

0340-0601 For the overtime costs of state police officers assigned to the Hampshire/Franklin district attorney's office ..... \$251,615

General Fund ..... 11.80%

Highway Fund ..... 88.20%

*Norfolk District Attorney.*

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but

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not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$8,317,136

0340-0701 For the overtime costs of state police officers assigned to the Norfolk district attorney's office . . . . .	\$463,770
General Fund . . . . .	11.80%
Highway Fund . . . . .	88.20%

*Plymouth District Attorney.*

0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that the office shall submit a report to



the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$6,705,316

0340-0801 For the overtime costs of state police officers assigned to the Plymouth district attorney's office . . . . .	\$378,832
General Fund . . . . .	11.80%
Highway Fund . . . . .	88.20%

*Bristol District Attorney.*

0340-0900 For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1)

the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that not less than \$150,000 shall be expended for the purpose of establishing a pilot program for the provision of classroom-based educational programs in schools within Bristol county to prevent relationship violence and to be administered by the Bristol county district attorney . . . . . \$7,137,953

0340-0901 For the overtime costs of state police officers assigned to the Bristol district attorney's office . . . . .	\$354,165
General Fund . . . . .	11.80%
Highway Fund . . . . .	88.20%

*Cape and Islands District Attorney.*

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that \$125,000 shall be expended to support the sex offender management unit; provided further, that 2 prosecutors and administrative support shall be provided to the Cape Cod offender management task force; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases

managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that not more than \$20,000 be expended for Cape & Islands Child Advocacy Center at Children's Cove in Hyannis; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$3,644,512

0340-1001 For the overtime costs of state police officers assigned to the Cape and Islands district attorney's office . . . . . \$302,521

    General Fund . . . . . 11.80%

    Highway Fund . . . . . 88.20%

*Berkshire District Attorney.*

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2007 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2008, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2005, 2006 and 2007; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2008; provided further, that \$150,000 shall be expended for the operation and management of the Berkshire county drug task force; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2008, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall



	notify the house and senate committees on ways and means of its intention to make that transfer .....	\$3,548,856
0340-1101	For the overtime costs of state police officers assigned to the Berkshire district attorney's office .....	\$140,984
	General Fund .....	11.80%
	Highway Fund .....	88.20%

DISTRICT ATTORNEYS' ASSOCIATION.

0340-2100 For the operation of the Massachusetts District Attorneys' Association, including the implementation and related expenses of the district attorneys' office automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the 11 district attorneys of the commonwealth may contribute a portion of their fiscal year 2008 appropriation to the Massachusetts District Attorneys' Association in order to alleviate the cost of the case management and tracking system as well as the cost of data lines associated with the district attorney's computer network; provided further, that the department shall work in conjunction with the disabled persons protection commission and the eleven district attorneys offices to prepare a report that shall include, but not be limited to, the following: (1) the number of abuse cases that are referred to each said district attorney's office for further investigation; (2) the number of said referrals resulting in the filing of criminal charges, delineated by type of charge; (3) the number of cases referred to each said district attorneys office that remain open as of the date for submission of said report; and (4) the number of cases resulting a criminal prosecution, and the disposition of each such prosecution; provided further, that said report shall be submitted to the house and senate committees on ways and mean on or before March 15, 2008; provided further, that each district attorney shall submit a report to the Massachusetts District Attorneys' Association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing the case management and tracking system not later than January 30, 2008; provided further, that the report shall include, but not

be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2008 and a detailed summary of any policies implemented to contain the costs of the network by either the Massachusetts District Attorneys' Association or the individual district attorneys' offices; provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item; and provided further, that the association shall submit a report to the house and senate committees on ways and means not later than January 31, 2008 detailing, by district attorney office, all sources of revenue, including, but not limited to, federal and state grants that were received in fiscal year 2007, and the amount of each source of revenue . . . \$1,985,056

0340-8908 For the costs associated with maintaining the association's wide area network . . . . . \$1,342,463

EXECUTIVE.

0411-1000 For the offices of the governor, the lieutenant governor and the governor's council; provided, that the amount appropriated in this item may be used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for and for transfer to appropriation accounts where the amounts otherwise available may be insufficient; provided further, that funds may be expended for the governor's commission on mental retardation; and provided further, that the advisory council on Alzheimer diseases and related disorders, as established in the office of the governor by section 379 of chapter 194 of the acts of 1998 and section 80 of chapter 236 of the acts of 2000, shall continue during fiscal year 2008 . . . \$5,564,771

0411-1001 For the operation of the development coordinating council . . . . . \$246,720

0411-1002 For a contract with the Massachusetts Service Alliance to operate the commonwealth corps program . . . . . \$3,000,000

**SECRETARY OF THE COMMONWEALTH.**  
*Office of the Secretary of the Commonwealth.*

- 0511-0000 For the operation of the office of the secretary; provided, that the office shall submit a report detailing staffing patterns for each program operated by the office; provided further, that the report shall include, but not be limited to, actual and functional job titles by program and compensation rates and lengths of service for each employee; provided further, that the office shall submit the report not later than January 31, 2008, to the house and senate committees on ways and means; and provided further, that the secretary may transfer funds between items 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000 and 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to any regulation or standard established by the state secretary or the records conservation board; and provided further, that those regulations shall be issued not later than June 30, 2008 ..... \$7,040,894
- 0511-0001 The state secretary may expend revenues not to exceed \$30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory ..... \$30,000
- 0511-0108 The state secretary, acting on behalf of the commonwealth, may sell, transfer or license the division of corporations' software and related documents pertaining to its web-based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as, in his sole discretion, reasonably compensates the commonwealth for its interests; provided, that the secretary may retain and expend revenues collected from the sales, licensure or user agreements in an amount not to exceed \$50,000 for technical activities of the corporations division, the remainder to be deposited in the General Fund; provided

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further, that the secretary may also provide web hosting, and on-going support and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications; and provided further, that the department of the state secretary may accept credit and debit cards from individuals and corporations filing documents with the department .....		\$50,000
0511-0200 For the operation of the state archives division .....		\$550,353
0511-0230 For the operation of the records center .....		\$156,738
0511-0250 For the operation of the archives facility .....		\$477,003
0511-0260 For the operation of the commonwealth museum .....		\$198,071
0511-0270 The state secretary may contract with the UMass Donahue Institute to provide the commonwealth with technical assistance on US census data and to prepare annual population estimates .....		\$600,000
0511-0420 For the operation of the address confidentiality program .....		\$113,269
0517-0000 For the printing of public documents .....		\$908,733
0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the state secretary may award grants for voter registration and education in the cities of Boston, Springfield, Lawrence and Worcester; provided further, that the registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that the secretary shall submit a report to the house and senate committees on ways and means not later than January 31, 2008, detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town .....		\$3,676,647
0521-0001 For the operation of the central voter registration computer system; provided, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before January 31, 2008 .....		\$4,865,473
0524-0000 For providing information to voters .....		\$583,744
0526-0100 For the operation of the Massachusetts historical commission . . .		\$1,020,948
0527-0100 For the operation of the ballot law commission .....		\$12,380
0528-0100 For the operation of the records conservation board .....		\$39,459



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0540-0900	For the registry of deeds located in Lawrence in the former county of Essex .....	\$1,289,092
0540-1000	For the registry of deeds located in Salem in the former county of Essex .....	\$3,399,846
0540-1100	For the registry of deeds in the former county of Franklin .....	\$581,706
0540-1200	For the registry of deeds in the former county of Hampden .....	\$2,202,485
0540-1300	For the registry of deeds in the former county of Hampshire .....	\$608,341
0540-1400	For the registry of deeds located in Lowell in the former county of Middlesex .....	\$1,412,945
0540-1500	For the registry of deeds located in Cambridge in the former county of Middlesex .....	\$3,631,756
0540-1600	For the registry of deeds located in Adams in the former county of Berkshire .....	\$319,742
0540-1700	For the registry of deeds located in Pittsfield in the former county of Berkshire .....	\$563,870
0540-1800	For the registry of deeds located in Great Barrington in the former county of Berkshire .....	\$269,234
0540-1900	For the registry of deeds in the former county of Suffolk .....	\$2,312,250
0540-2000	For the registry of deeds located in Fitchburg in the former county of Worcester .....	\$796,380
0540-2100	For the registry of deeds located in the city of Worcester in the former county of Worcester .....	\$2,743,416

**TREASURER AND RECEIVER-GENERAL.**

*Office of the Treasurer and Receiver General.*

0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that not less than \$37,000 shall be granted to the elder advocacy organization known as the Silver-Haired Legislature; provided further, that the treasurer's office shall submit a report to the victim and witness assistance board which details the amount of assessments transmitted to the treasurer during the previous calendar year on a monthly basis from the courts, the registrar of motor vehicles and the sheriff or superintendent of any correctional facility pursuant to section 8 of chapter 258B; provided further, that the report shall be submitted to the board on or before January 31, 2008; provided further, that up to \$3,600,000 may be expended for the payment of bank fees;

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	and provided further, that the treasurer's office shall pay half of the administrative costs of the municipal finance oversight board from this item .....	\$11,132,804
	General Fund .....	90.0%
	Highway Fund .....	10.0%
0610-0050	For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided, that said commission shall maintain at least one chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further, that said commission is authorized and directed to work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its efforts to regulate and control the traffic of alcoholic beverages; and provided further, that said commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages .....	\$1,909,139
0610-0060	For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission's implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom, and Safe Summer; provided, that funds from this appropriation shall not support other operating costs of item 0610-0050; provided further, that said commission shall submit a report to the house and senate committees on ways and means not later than March 1, 2008 on the results of said program .....	\$350,000
0610-0140	For the purpose of funding administrative, transactional and research expenses associated with maintaining and increasing the interest earnings on the Commonwealth's General and Stabilization Fund investments .....	\$25,000
0610-2000	For payments made to veterans pursuant to section 16 of chapter 130 of the acts of 2005; provided, that the office of the state treasurer may expend not more than \$150,000 for costs incurred in the administration of these payments; and provided further, that funds available in fiscal year 2007 shall be available for expenditure until June 30, 2008 .....	\$5,159,080
0611-1000	For bonus payments to war veterans .....	\$50,000

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0611-1010	For the cost of life insurance premiums for National Guard members pursuant to section 88B of chapter 33 of the General Laws .....	\$1,700,000
0611-5500	For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal \$1,249,948; and provided further, that if there is a conflict between the provisions of the distribution set forth in section 3 and any other provisions of this act, the distribution set forth in section 3 shall control ..	\$379,767,936
0611-5510	For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws .....	\$28,300,000
0611-5800	For distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws .....	\$2,200,000

### *Pension Benefits.*

0612-0105	For payment of the public safety employee killed in the line of duty benefit authorized by section 100A of chapter 32 of the General Laws .....	\$500,000
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### *Commission on Firefighters' Relief.*

0620-0000	For financial assistance to injured firefighters .....	\$9,808
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### *Lottery Commission.*

0640-0000	For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that not later than November 15, 2007, the treasurer shall submit a report to the secretary of administration and finance and the chairpersons of the house and senate ways and means committees on the feasibility of incorporating a factor in the lottery distribution formula to account for statewide variances in lottery sales in each community; provided further, that the state lottery commission will perform a study of programs to ensure responsible gaming habits for consumers; provided further, that the commission shall provide results of the study to the	
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	chairpersons of the house and senate ways and means committees not later than December 31, 2007; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$80,970,610
0640-0005	For the costs associated with the continued implementation of the monitoring of games; provided, that any sums expended on promotional activities shall be limited to point-of-sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery fund to the General Fund .....	\$1,293,311
0640-0010	For the promotional activities associated with the state lottery program; provided, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$10,000,000
0640-0013	For the costs of the anti-litter program; provided, that the lottery commission may continue to develop regional environmental awareness events to limit the number of discarded instant tickets that become litter; provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$100,000
0640-0096	For the purpose of the commonwealth's fiscal year 2008 contributions to the health and welfare fund established pursuant to the collective-bargaining agreement between the lottery commission and the service employees international union, Local 254, AFL-CIO; provided, that the contributions shall be paid to the trust fund on such basis as the collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$355,945

**MASSACHUSETTS CULTURAL COUNCIL.**

0640-0300	For the services and operations of the council, including grants to or contracts with public and non-public entities; provided, that notwithstanding any general or special law to the contrary, the council may expend the amounts herein appro-	
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priated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in amounts and at times as the council may determine pursuant to section 54 of said chapter 10; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the General Fund; provided further, that any funds expended from this item for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; provided further, that the council shall not expend funds from this item for any grant or contract recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; provided further, that not more than \$1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of the organizations and the assistance shall be in the form of challenge grants to the organizations; provided further, that in order to receive a grant a cultural organization shall raise an amount at least equal to the amount of the grant for the organization's endowment; provided further, that funds provided by the grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that a grant made under this program shall not exceed \$100,000; provided further, that a person employed under this item shall be considered an employee within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining unit; provided further, that the Local Cultural Council Grant Program provide for a minimum grant of \$4,000 per municipality; and provided further, that not less than \$350,000 shall be expended to establish the Cultural Tourism Initiative under the Massachusetts Cultural Council, which shall provide matching funds for marketing programs created through regional or local partnerships between tourism professional and nonprofit cultural organizations through 4 pilot programs to be created in 4 different regions of the state .....\$12,268,059

*Debt Service.*

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to section 38C of chapter 29 of the General Laws from this item and item 0699-9100; provided further, that the payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item; provided further, that notwithstanding any general or special law to the contrary, the comptroller may transfer the amounts that would otherwise be unexpended on June 30, 2008, from item 0699-0015 to item 0699-9100 or from item 0699-9100 to item 0699-0015 which would otherwise have insufficient amounts to meet debt service obligations for the fiscal year ending June 30, 2008; provided further, that each amount transferred shall be charged to the funds as specified in the item to which the amount is transferred; provided further, that payments on bonds issued pursuant to section 20 of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund; provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the

payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the government land bank fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said funds . . . \$1,769,093,701

General Fund . . . . . 68.07%

Highway Fund . . . . . 31.93%

0699-2004 For the payment of interest, discount and principal on certain indebtedness which may be incurred for financing the central artery/third harbor tunnel funding shortfall . . . . . \$112,596,000

Highway Fund . . . . . 100.0%

0699-9100 For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws and for the payment to the United States pursuant to section 148 of the Internal Revenue Code of 1986 of any rebate amount or yield reduction payment owed with respect to any bonds or notes or other obligations of the commonwealth; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of costs among the various funds of the commonwealth; provided further, that the comptroller shall charge costs to the funds in accordance with the schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2008 shall be charged to the various funds or to the General Fund or Highway Fund debt service reserves . . . . . \$16,950,000

0699-9101 For the purpose of depositing with the trustee under the trust agreement authorized in section 10B of chapter 11 of the acts of 1997 an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11 and secured by the Federal Highway Grant Anticipation Note Trust Fund . . . . . \$53,464,000

**STATE AUDITOR.**  
*Office of the State Auditor.*

0710-0000 For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections

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52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery/third harbor tunnel project .....	\$15,736,766
0710-0100 For the operation of the division of local mandates .....	\$623,699
0710-0200 For the operation of the bureau of special investigations; provided, that the office shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the office of the state auditor, the total value of settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in collections .....	\$1,852,697
0710-0225 For the operation of the Medicaid Audit Unit within the Division of Audit Operations in an effort to prevent and to identify fraud and abuse in the MassHealth system; provided, that the federal reimbursement for any expenditure from this line item shall not be less than 50 per cent; and provided further, that the division shall submit a report no later than December 1, 2007 to the house and senate committee ways and means detailing all findings on activities and payments made through the MassHealth system .....	\$805,434

*Office of the Attorney General.*

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary for administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; provided further, that not more than \$320,000 shall be expended for predatory lending and consumer credit units; provided further, that not more than \$355,000 shall be expended for a health care division; provided further, that not more than \$300,000 shall be expended for a victim witness rights services unit; provided	
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further, that not more than \$250,000 shall be expended for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of Boston; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester section of the city of Boston and in the city of New Bedford; provided further, that the public proceedings unit shall review the water rate increases; provided further, that not more than \$240,000 shall be expended for the operation of a child protection unit; provided further, that funds may be expended for the commission on uniform state laws; provided further, that not more than \$200,000 shall be provided for the Dorchester Youth Collaborative; and provided further, that \$50,000 shall be expended for the Trauma Intervention Program of Merrimack Valley; and provided further, that not less than \$180,000 shall be expended to provide culturally competent education and training to law enforcement, labor organizers and workers and community service providers on the issue of human trafficking ..... \$26,585,871

0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter 258C even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of \$50; and provided further, that notwithstanding any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section 5 of chapter 258B of the General Laws ..... \$2,156,000

0810-0007 For the overtime costs of state police officers assigned to the attorney general; provided, that costs associated with those officers shall not be funded from item 8100-0007; and provided further, that expenditures shall not be made on or after

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the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item ..... \$541,201

Highway Fund ..... 88.20%

General Fund ..... 11.80%

- 0810-0013 For a false claims program the office of the attorney general may expend an amount not to exceed \$450,000 from revenues collected from enforcement of the false claims act; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .... \$450,000
- 0810-0014 For the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter 12 of the General Laws; provided, that notwithstanding any general or special law to the contrary, the amount assessed under said section 11E of said chapter 12 of the General Laws, shall equal the amount expended from this item; and provided further, that not less than \$200,000 shall be expended for the expenses of legal and technical personnel and associated administrative and travel expenses relative to participation in regulatory proceedings at the Federal Energy Regulatory Commission on behalf of Massachusetts ratepayers ..... \$1,611,700
- 0810-0021 For the operation of the Medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of the expenditure; provided further, that not less than \$225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of the department's division of health care quality responsible for the investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and the unit; and provided further, that training shall

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	include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H of said chapter 111 . . . . .	\$2,877,105
0810-0045 For	the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding any general or special law to the contrary, a non-management position funded by this item shall be considered a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to chapter 150E of the General Laws . . . . .	\$3,558,786
0810-0201 For	the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 of the General Laws; provided, that funds made available in this item may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general; and provided further, that notwithstanding any general or special law to the contrary, the amount assessed for the costs shall be equal to the amount expended from this item . . . . .	\$1,394,032
0810-0338 For	the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$432,026 . . . . .	\$432,026
0810-0399 For	the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164; provided further, that the attorney general shall investigate and prosecute, where appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that the unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws . . . . .	\$280,164

*Victim and Witness Assistance Board.*

0840-0100 For	the operation of the victim and witness assistance board; provided, that the board shall submit a comprehensive report compiled from the information required of and submitted to the office by the trial court, the registry of motor vehicles and the state treasurer relative to the collection of assessments for	
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	the previous calendar year under section 8 of chapter 258B of the General Laws; and provided further, that the report shall be submitted to the house and senate committees on ways and means on or before February 15, 2008 . . . . .	\$561,213
0840-0101	For the salaries and administration of the safeplan advocacy program, to be administered by the Massachusetts office of victim assistance; provided, that the office shall submit to the house and senate committees on ways and means, not later than February 3, 2008, a report detailing the effectiveness of contracting for the program, including, but not limited to, the number and types of incidents to which the advocates responded, the types of services and service referrals provided by the domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies . . . . .	\$780,116

**STATE ETHICS COMMISSION.**

0900-0100	For the operation of the state ethics commission . . . . .	\$1,617,734
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**OFFICE OF THE INSPECTOR GENERAL.**

0910-0200	For the operation of the office of the inspector general . . . . .	\$2,766,695
0910-0210	The office of the inspector general may expend revenues collected up to a maximum of \$493,819 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of such programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$493,819

**OFFICE OF CAMPAIGN AND POLITICAL FINANCE.**

0920-0300	For the operation of the office of campaign and political finance . . . . .	\$1,193,985
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**MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.**

0940-0100	For the office of the commission, including the processing and resolution of cases pending before the commission that were	
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filed on or before July 1, 2004; provided, that on or before November 1, 2007, the commission shall submit to the house and senate committees on ways and means a report on the total number of all currently pending cases and the total number of the cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of the report with the committees on or before March 1, 2008; provided further, that the commission shall identify in the reports the number of cases in which the commission has determined there is probable cause to believe that a violation of chapter 151B of the General Laws has been committed in a case in which the Massachusetts Bay Transportation Authority is named as a respondent; provided further, that the commission shall report to the house and senate committees on ways and means, on or before November 1, 2007, the number of cases pending before the commission in which a state agency or state authority is named as a respondent, specifying those cases in which the Massachusetts Bay Transportation Authority is named as a respondent, and the number of the cases in which there is probable cause to believe that a violation of said chapter 151B has been committed; provided further, that the commission shall include in the report the total number of new cases filed in fiscal year 2007 and the total number of cases closed by the commission in fiscal year 2007; provided further, that funds made available in this item shall be in addition to funds available in item 0940-0101; provided further, that all positions, except clerical, shall be exempt from chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement . . . . . \$2,287,160

0940-0101 The Massachusetts commission against discrimination may expend not more than \$1,920,010 from revenues from federal reimbursements received for the purposes of the United States Department of Housing and Urban Development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2008 and federal reimbursements received for these and other programs in prior years; provided, that notwithstanding any general or special law to

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the contrary, the commission may also expend revenues generated through the collection of fees and costs so authorized; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$1,920,010

0940-0102 The Massachusetts commission against discrimination may expend not more than \$27,500 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program . . . . . \$27,500

OFFICE OF THE STATE COMPTROLLER.

1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2008 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of the audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$750,000 to other items of appropriation for the cost of the audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be retained and expended from a separate item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary for

administration and finance; provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and the comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; provided further, that 60 days before entering into any interdepartmental service agreements the comptroller shall notify the house and senate committees on ways and means; provided further, that said notification shall include, but not be limited to, a description of the project, the purpose and intent of the interdepartmental service agreement, a projection of the costs avoided in the current fiscal year, a copy of the contract with the private vendor including the proposed rate of compensation and any previous agreements related or similar to the new agreement with the above information; provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures in consultation with the budget director and the affected departments as he deems appropriate and necessary to accomplish the purpose of this section; and provided further,

	that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws .....	\$8,814,316
1100-1100	For the office of the secretary and the administration of the fiscal affairs division; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report her resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination; provided further, that the secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or non-compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2007; provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements; provided further, that the secretary of administration and finance in conjunction with the trial court, the executive office of health and human services, the division of capital asset management and maintenance, the bureau of state office buildings and the division of energy resources, shall submit a report to the house and senate committees on ways and means concerning the commonwealth's energy costs, which shall include, but not be limited to: (a) energy consumption and costs incurred by commonwealth-owned or operated facilities, including the state house, state office buildings, hospitals, courthouses, correction facilities and related properties, (b) cost saving initiatives relating to energy consumption and procurement, (c) the energy consumption and costs for all vehicles operated	



by the commonwealth and its subsidiary secretariats and agencies, and (d) the current status of the state's energy infrastructure and plans for either replacement or conversion of existing systems; provided further, that the report shall be submitted not later than January 25, 2008; and provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to item 1000-0001 . . . . . \$3,826,821

1100-2010 For the purposes of establishing an administrative records list in accordance with section 71 . . . . . \$200,000

*Division of Capital Asset Management and Maintenance.*

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed \$7,648,500 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of said center; provided, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system . . . . . \$7,648,500

1102-3214 For the state transportation building; provided, that the division may expend revenues collected up to a maximum of \$7,600,000 from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$7,600,000

1102-3231 For the Springfield state office building; provided, that the division may expend not more than \$850,000 in revenues from rents charged to agencies occupying the building for the

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maintenance and operation of the building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system . . . . . \$850,000

1102-3232 For the division of capital asset maintenance and management; provided, that the division may expend not more than \$300,000 received from application fees charged in conjunction with the certification of contractors and subcontractors pursuant to section 44D of chapter 149 of the General Laws; and provided further, that only expenses, including staffing, incurred to implement and operate the certification program shall be funded from this item . . . . . \$300,000

*Bureau of State Office Buildings.*

1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that the bureau shall retain jurisdiction over all contracts, purchases and payments for materials and services required in the operation of the bureau . . . . . \$6,440,277

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings . . . \$7,323,626

1102-3306 For the maintenance and joint operation of the state house under the jurisdiction of the state superintendent of state office buildings and the legislature's joint committee on rules; provided, that the bureau shall work in coordination with the house of representatives and the senate relative to the maintenance, repair, purchases and payments for materials and services . . . . . \$750,000

1102-3307 For state house accessibility coordination, including communications access to public hearings and meetings . . . . . \$239,000

*Office on Disability.*

1107-2400 For the office on disability . . . . . \$724,977

*Disabled Persons Protection Commission.*

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department

of mental health and the department of mental retardation with uniform investigative standards; provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are capable of being recorded, that all persons who call the hotline are immediately informed that all calls are routinely recorded and that each such person is provided with the opportunity to elect that the call not be recorded . . . . . \$1,988,247

*Civil Service Commission.*

1108-1011 For the civil service commission; provided, that the General Fund shall be reimbursed for the appropriation herein through a fee charged on a per claim basis; provided further, that said commission shall develop and implement regulations to implement said reimbursement to the General Fund; and provided further, that the civil service commission shall have the power to assess a fee upon the appointing authority when inappropriate action has occurred . . . . . \$512,366

*Group Insurance Commission.*

1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal Consolidated Omnibus Budget Reconciliation Act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws . . . . . \$3,047,718

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2008; provided, that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2008, and any unexpended balance in this

item shall revert to the General Fund on June 30, 2008; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that funds may be expended from this item for the commonwealth's share of group insurance premium and plan costs provided to the employees and retirees in prior fiscal years; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994, shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994, shall be 85 per cent; provided further, that the commonwealth's share



of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003, and their dependents shall be 80 per cent; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, that the group insurance commission may pay premium and plan costs for municipal employees and retirees who are enrolled in the group insurance commission's health plans pursuant to the commission's regulations . . . . .

\$736,866,118

1108-5350 For elderly governmental retired employee premium payments . . . . \$736,327

1108-5400 For the costs of the retired municipal teachers' premiums and the audit of such premiums . . . . . \$83,926,853

1108-5500 For the costs, notwithstanding chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided those benefits pursuant to a separate appropriation or the terms of a contract or collective bargaining agreement; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits . . . . . \$6,869,468

*Division of Administrative Law Appeals.*

1110-1000 For the operation of the division of administrative law appeals, established by section 4H of chapter 7 of the General Laws; provided, that the division shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions, determinations or actions may be appealed to it; provided further, that every decision issued by a commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the division, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws; and provided further, that funds shall be expended for

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the processing and adjudication of all pending and newly-filed  
department of environmental protection appeals ..... \$1,360,836

*George Fingold Library.*

1120-4005 For the administration of the library; provided, that the library  
shall maintain regular hours of operation from 9:00 a.m. to  
5:00 p.m. .... \$1,275,012

1120-4006 The George Fingold Library may expend revenues collected up  
to a maximum of \$20,000 from the fees charged for copying  
services; provided that the Library shall submit a report that  
details revenue collected and expenditures made to the house  
and senate committees on ways and means on or before  
January 1, 2008 ..... \$20,000

*Department of Revenue.*

1201-0100 For the operation of the department of revenue, including tax  
collection administration and audits of certain foreign  
corporations; provided, that the department may allocate an  
amount not to exceed \$250,000 to the office of the attorney  
general for the purpose of the tax prosecution unit; provided  
further, that the department may charge the expenses for  
computer services, including the cost of personnel and other  
support costs provided to the child support enforcement unit,  
from this item to item 1201-0160, consistent with the costs  
attributable to said unit; provided further, that the department  
shall maintain regional offices in the cities of Springfield,  
Pittsfield, Fall River, and Worcester and in the Hyannis  
section of the town of Barnstable; provided further, that the  
department shall provide to the general court access to the  
municipal data bank; provided further, that notwithstanding  
section 1 of chapter 31 of the General Laws, seasonal  
positions funded by this account are positions requiring the  
services of an incumbent, on either a full-time or less than  
full-time basis beginning no earlier than December 1 and  
ending no later than November 30; provided further, that  
seasonal positions funded by this account may not be filled by  
an incumbent for more than 10 months within a 12 month  
period; and provided further, that not less than \$75,000 be  
granted to the town of Mansfield for the completion of a  
regional sewer study ..... \$116,017,360

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General Fund .....	95.0%	
Highway Fund .....	5.0%	
1201-0118 For the operation of the Division of Local Services .....		\$6,120,156
1201-0130 The department of revenue may expend for the operation of the department an amount not to exceed \$16,330,000 from revenues collected by the additional auditors for an enhanced audit program; provided, that the auditors shall: discover and identify persons who are delinquent either in the filing of a tax return or the payment of a tax due and payable to the commonwealth, obtain said delinquent returns; and collect such delinquent taxes for a prior fiscal year; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses, and the comptroller may certify for payment, amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means that shall include, but not be limited to, the following: (1) the amount of revenue produced from these additional auditors, and (2) the amount of revenue produced by this item in fiscal years 2004, 2005, 2006, and 2007 .....		\$16,330,000
1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and that those agencies may expend the funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for the network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reim-		

	bursement and to be expended for the grant authority; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of the authorization or the most recent revenue estimate therefor as reported in the state accounting system for federal incentives and said network in accounts 1201-0161, 1201-0410 and 1201-0412 .....	\$50,513,466
1201-0164	For the child support enforcement division; provided, that the division may expend revenues in an amount not to exceed \$6,547,280 from the federal reimbursements awarded for personnel and lower subsidiary related expenditures; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system ..	\$6,547,280
1231-1000	For the Commonwealth Sewer Rate Relief Fund, established in section 2Z of chapter 29 of the General Laws; provided, that the Massachusetts Water Resources Authority shall submit a report to the house and senate committees on ways means and the secretary of administration and finance no later than October 1, 2007, that shall include, but not be limited to, the following: (a) an analysis of the options for reducing operating costs of the authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by the authority; and (c) the cost savings and any legislation necessary to effectuate the proposed recommendations of the report .....	\$23,000,000



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- 1231-1020 For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V; provided, that the program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties, including, but not limited to, commonwealth-based financial institutions to manage the program; provided further, that the department and the third parties shall take all steps necessary to minimize the program's administrative costs; provided further, that the loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.
- 1232-0100 For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws; provided, that in the prioritization of claims, consideration shall be given to claimants who own not more than 2 dispensing facilities ..... \$18,200,000
- 1232-0200 For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board established by section 8 of chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of said chapter 21J; provided, that notwithstanding section 4 of said chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover the administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for reme-

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	diated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with said chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2008 . . . . .	\$1,784,544
1232-0300	For underground storage tank municipal grants to remove and replace the tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws . . . . .	\$465,406
1233-2000	For the tax abatement program for certain veterans, widows, blind persons, and the elderly; provided, that cities and towns shall be reimbursed for the abatements granted pursuant to clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A and Fifty-second of section 5 of chapter 59 of the General Laws . . . . .	\$17,241,130
1233-2006	For reimbursements to cities and towns for additional exemptions from the motor vehicle excise granted pursuant to the seventh paragraph of section 1 of chapter 60A of the General Laws, as amended by sections 13 to 14 of section 1 of chapter 260 of the acts of 2006 . . . . .	\$1,468,525
1233-2310	For reimbursing cities and towns for taxes abated pursuant to the clauses Forty-first, Forty-first B and Forty-first C of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts said clause Forty-first B or clause Forty-first C for additional costs incurred in determining eligibility of applicants under those clauses in an amount not to exceed \$2 per exemption granted . . . . .	\$9,890,345

### *Appellate Tax Board.*

1310-1000	For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; and provided further, that the board shall report to the house and senate committees on ways and means not later than December 1, 2007, on the number of hearings held at each location . . . . .	\$2,139,987
1310-1001	The appellate tax board may expend revenues up to a maximum of \$300,000 from fees collected; provided, that in order to accommodate discrepancies between the receipt of retained	

revenues and related expenditures, the board may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$300,000

*Department of Veterans Services.*

- 1410-0010 For the operation of the department of veterans’ services; provided, that the department may fund a housing specialist from this item; provided further, that the department may expend funds for the Glory 54th Brigade; provided further, that not less than \$25,000 shall be expended for the purpose of maintaining the Massachusetts Vietnam veterans memorial located in the Green Hill park in Worcester; provided further, that not less than \$10,000 shall be expended for the Korean War memorial located in the Charlestown navy yard; provided further, that the secretary of veterans’ affairs shall submit a report to the joint committee on veterans’ and federal affairs and the house and senate committees on ways and means no later than December 31, 2007 on the secretariat’s implementation of and the outreach efforts of the “welcome home bill”; and provided further, that the report shall include the participation rates for service, hindrances to enrollment for the program, and recommendations, including any necessary statutory or other changes to increase the number of servicemen and women who apply for said service . . . . . \$2,157,102
- 1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that these centers shall also provide services to veterans who were discharged after September 11, 2001, and their families; provided further, that not less than \$367,422 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that not less than \$228,771 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of Boston; provided further, that not less than \$200,000 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc.,

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in the city of Springfield; provided further, that not less than \$131,500 shall be obligated for a contract with Nam Vets Association of the Cape and Islands in the Hyannis section of the town of Barnstable; provided further, that not less than \$106,102 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that not less than \$100,000 shall be expended for veteran's services to be administered by the Falmouth veterans agent through the Falmouth Free Clinic and Community Center; provided further, that not less than \$100,000 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that not less than \$100,000 be obligated for the Boston metropolitan area for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc.; provided further, that not less than \$100,000 shall be expended to United Veterans of America for the purpose of providing services to homeless veterans in Berkshire County; provided further, that not less than \$100,000 shall be expended for the Veterans Association of Bristol County in Fall River; provided further, that not less than \$100,000 shall be expended for the Nathan Hale Foundation of Plymouth to assist veterans with transportation; provided further, that not less than \$84,453 shall be obligated for a contract with the Metrowest/ Metrosouth Outreach Center in the town of Framingham; provided further, that not less than \$50,000 shall be expended for the Middleboro Veterans' Outreach Center; provided further, that not less than \$35,000 shall be expended for the Mason Square Veterans Outreach Center in the city of Springfield; and provided further, that not less than \$30,000 shall be expended for the oral history project at the Morse Institute Library in Natick .....

		\$1,943,222
1410-0015	For the women veterans' outreach program .....	\$42,282
1410-0018	The department may expend not more than \$300,000 for the maintenance and operation of Agawam and Winchendon veterans' cemeteries from revenue collected from fees, grants, gifts or other contributions to the cemeteries; prior appropriations continued .....	\$300,000
1410-0100	For the revenue maximization project of the executive office of	



	elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home health care services .....	\$98,000
1410-0250	For homelessness services; provided, that not less than \$652,395 shall be obligated for a contract with the Southeastern Massachusetts Veterans Housing Program, Inc., in the city of New Bedford; provided further, that not less than \$625,105 shall be obligated for a contract with the central Massachusetts Shelter for Homeless Veterans in the city of Worcester; provided further, that not less than \$405,500 shall be obligated for contracts with the Veterans Hospice Homestead in the city of Leominster and the Veterans Hospice in the town of Fitchburg; provided further, that not less than \$220,000 shall be obligated for a contract with the United Veterans of America shelter in the town of Leeds; provided further, that not less than \$199,405 shall be obligated for a contract with Unity House in the city of Gardner; provided further, that not less than \$190,000 shall be expended for a contract with Habitat P.L.U.S. in the city of Lynn; provided further, that not less than \$100,350 shall be obligated for a contract with Veterans Benefits Clearinghouse located in Dorchester; provided further, that not less than \$73,350 shall be obligated for a contract with the Veterans Benefits Clearinghouse located in Roxbury; provided further, that not less than \$80,000 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill for homelessness services; provided further, that not less than \$75,000 shall be expended for a contract with the Springfield Bilingual Veterans Outreach Center for the operation and maintenance of a homeless veterans transition house located in the city of Springfield; provided further, that not less than \$51,975 shall be expended for a contract with the Springfield Bilingual Veterans Outreach Center for the operation and maintenance of homeless veterans transitional housing units at the YMCA of Springfield; provided further, that not less than \$50,000 shall be expended for veteran's homelessness services at the Salem Mission; provided further, that not less than \$42,000 shall be obligated for a contract with the Turner House located in the town of Williamstown; provided further, that not less than \$37,350 shall be obligated	

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	for a contract with the Homestead in the town of Hyannis; and provided further, that not less than \$25,000 shall be expended for transitional services at Our Neighbor's Table in Amesbury . . . . .	\$2,827,430
1410-0251	For the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Shelter for Homeless Veterans located in the city of Boston . . . . .	\$2,276,703
1410-0300	For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that the payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; provided further, that the department shall prorate annuity payments to ensure that the total payments in fiscal year 2008 shall not exceed the amount appropriated herein; and provided further, that the secretary of veterans' services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter . .	\$18,103,768
1410-0400	For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans under section 6 of chapter 115 of the General Laws; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial Day; provided further, that notwithstanding any general or special law to the contrary, the secretary of veterans' services shall continue a training program for veterans' agents and directors of veterans' services in cities and towns; provided further, that the Department of Veterans' Services shall provide this training in several locations across the Commonwealth including but not limited to providing training programs at the Massachusetts Veterans Service Officers Association statewide training conferences; provided	

further, that the purpose of the training program shall be to maximize federal assistance available for veterans and to assure that the agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of the training program shall include benefits available under said chapter 115 and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the secretary shall promulgate regulations for the training program; provided further, that upon successful participation by the veterans' agents or directors of veterans' services in the training program, the costs of the training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which the costs were paid; provided further, that any person applying for veterans' benefits to pay for services available under chapter 118E of the General Laws, shall also apply for medical assistance under said chapter 118E to minimize cost of the commonwealth and its municipalities; provided further, that veterans' agents shall complete applications authorized by the executive office under said chapter 118E for any veteran, widow and dependent applying for medical assistance under said chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the executive office shall act on all said chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for said chapter 118E healthcare; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under said chapter 115 pending approval of the application for assistance under said chapter 118E by the executive office; provided further, that the secretary may supplement healthcare pursuant to said chapter 118E with healthcare coverage under said chapter 115 if he determines

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	that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided further, that payments to or on behalf of a veteran or dependent pursuant to said chapter 115 shall not be considered income for the purposes of determining eligibility under said chapter 118E; and provided further, that benefits awarded pursuant to section 6B of said chapter 115 shall be considered countable income .....	\$15,165,374
1410-0630	For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon .....	\$879,450
<i>Reserves.</i>		
1599-0025	To provide the commonwealth's customers with the convenience of expanded access to internet payment options and to improve revenue collections and cash flow, the secretary of the executive office for administration and finance may expend an amount not to exceed \$1,000,000 collected from payments made electronically to subsidize the costs associated with processing those payments; provided, that the secretary, in consultation with the comptroller, may enter into agreements with state agencies to provide for an electronic transaction fee subsidy, which shall be structured to expire after 3 years .....	\$1,000,000
1599-0042	For a reserve to improve the quality of the commonwealth's early education and care system; provided, that payments from this reserve shall be distributed by the department of early education and care to increase reimbursement rates for subsidized early education and care; provided further, that the increases shall be directed to expenditures for salaries, benefits, and stipends for professional development of early education and care workers or programmatic quality improvements; provided further, that the remainder of the funds appropriated herein shall be used to adjust said rates so as to reduce disparities between said rates, relative to the relevant private market rates, including such disparities as those between the rates paid for the same type of care from items 3000-3050, 3000-4050 and 4060, those between the rates paid for services for infants and toddlers and those paid for services for other children, and those between the rates paid for services provided by family child care providers and	



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	those paid for services provided by other providers; and provided further, that all said adjustments shall be subject to the approval of the board of early education and care . . . . .	\$7,000,000
1599-0045	For a capital projects reserve; provided, that not less than \$1,000,000 shall be expended to assist the YMCA of Greater Boston on capital projects approved by the board of directors of the YMCA; and provided further, that not less than \$500,000 shall be expended for the United Teen Equality Center in Lowell . . . . .	\$1,500,000
1599-0050	For Route 3 North contract assistance payments . . . . .	\$23,700,846
1599-0093	For contract assistance to the water pollution abatement trust for debt service obligations of the trust, pursuant to sections 6, 6A and 18 of chapter 29C of the General Laws . . . . .	\$64,166,198
1599-1970	For a reserve for the Massachusetts turnpike authority for costs incurred in fiscal year 2007 for the operation and maintenance of the central artery/tunnel project pursuant to chapter 235 of the acts of 1998 . . . . .	\$25,000,000
1599-1971	For the cost of hired and leased equipment, vehicle repair, and sand, salt, and other control chemicals used for snow and ice control; provided, that the secretary for administration and finance shall submit to the house and senate committees on post audit and oversight, the house and senate committees on transportation and the house and senate committees on ways and means a report on snow and ice control efforts no later than September 1, 2007, which shall include, but not be limited to, the following: (a) a detailed account of the administrative oversight exercised by either the secretary for administration and finance, the secretary of transportation or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; and (b) a statement of how many salt storage facilities in the commonwealth are in conformity with section 7A of chapter 85 of the General Laws and how many are not . . . . .	\$4,000,000
1599-3234	For the commonwealth's South Essex sewerage district debt service assessment . . . . .	\$91,422
1599-3384	For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid	

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	in the current fiscal year or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item . . . . .	\$2,500,000
1599-3856	For rent and associated costs at the Massachusetts information technology center in Chelsea . . . . .	\$7,115,000
1599-3857	For capital lease payments from the University of Massachusetts to the Massachusetts Development Finance Agency and for annual operations of the advanced technology and manufacturing center in Fall River . . . . .	\$1,581,922
1599-6901	For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of administration and finance may allocate the funds appropriated in this item to the departments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of the reserve upon assurances that the funds shall be used solely for the purposes of adjustments to wages, compensation or salary; provided further, that not later than January 15, 2008 the executive office shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2008 and the average percentage adjustment funded by this reserve; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall	

be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2008 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$23,000,000; provided further, that the executive office shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; provided further, that the annualized cost of the adjustments in fiscal year 2009 shall not exceed the amount appropriated herein; provided further, that the executive office shall submit a plan by January 1, 2008 to the executive office of administration and finance and the house and senate committees on ways and means with recommendations for moving toward a more rational, market-based system for reimbursement rates for social services purchased under the purchase-of-service system; provided further, that the plan shall organize current services according to their similarity of purpose, cost structure and intended outcome; provided further, that the plan shall outline a strategy and resource requirements to restructure reimbursement rates for services; and provided further, that the plan shall be based on a comprehensive cost and market analysis with regard to unit rates, uniform pricing, efficiency standards, performance outcomes, annual rate of inflation, cost comparison of current system versus proposed system and other relevant factors, as determined by the executive office ..... \$23,000,000

1599-7104 For a reserve for the facilities costs associated with the college of visual and performing arts at the University of Massachusetts at Dartmouth; provided, that funds may be expended for Bristol Community College ..... \$2,700,000

*Division of Human Resources.*

1750-0100 For the operation of the human resources division and the costs of administration, training, and customer support related to the commonwealth's human resources and compensation management system; provided, that the information technology division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements

of section 2B; provided further, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the secretary of administration and finance shall charge a fee of not less than \$50 to be collected from each applicant for a civil service examination; provided further, that the division shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system, including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that the secretary for administration and finance shall file with the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; provided further, that the nature and scope of economic proposals contained in those agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days ..... \$4,044,456

1750-0102 The human resources division may expend not more than \$1,327,500 from revenues collected from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that the division



	shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of the programs, including, but not limited to, a fee to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$1,327,500
1750-0111	For the planning and implementation of a civil service continuous testing program and the operation of the bypass appeals process program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through the program . . . . .	\$101,403
1750-0119	For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely recertify the former employees pursuant to current workers' compensation procedures . . . . .	\$76,350
1750-0201	The human resources division may expend not more than \$350,000 from revenues collected for implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 of the General Laws and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than \$50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on the program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of the program; and provided further, that the division shall report to the house and senate committees on ways and means by February 1, 2008, on the projected costs of the program for fiscal year 2008 . . . . .	\$350,000

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1750-0300 For the commonwealth's contributions in fiscal year 2008 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that the contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to the health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides ..... \$25,421,036

*Operational Services Division.*

1775-0100 For the operation of the operational services division; provided, that the division shall expend funds for the purpose of achieving savings pursuant to this act; provided further, that notwithstanding any general or special law to the contrary, the division of purchased services of the operational services division which, under section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs under chapter 71B of the General Laws, shall set the prices in fiscal year 2008 by increasing the final fiscal year 2007 price by the rate of inflation as determined by the division; provided further, that the division shall also adjust prices for Extraordinary Relief, as defined in 808 CMR 1.06(4); provided further, that the department shall accept applications for Program Reconstruction in fiscal year 2008; provided further, that programs for which prices in fiscal year 2007 were lower than the full amount permitted by the division of purchased services shall be permitted to charge in fiscal year 2008 the full price calculated for fiscal year 2007 adjusted by the rate of inflation as determined by the division; provided further, that upon the request of a program, the operational services division shall authorize a minimum price for the program to charge out-of-state purchasers; and provided further, that the division shall determine the minimum price for out-of-state purchasers by identifying the most recent price calculated for the program and applying the estimated rates of inflation which are established by December 1 of each year pursuant to section 274 of chapter 110 of the acts of 1993 in a compounded manner for each fiscal year following the most recent calculated price ..... \$2,052,506

1775-0124 The operational services division may expend an amount not to

	exceed \$500,000 from revenue collected in the recovery of cost-reimbursement and non-reimbursable over billing and recoupment for health and human service agencies and as a result of administrative reviews, as determined during the division's audits and reviews of providers pursuant to section 274 of chapter 110 of the acts of 1993; provided, that the division may only retain revenues collected in excess of \$207,350 .....	\$500,000
1775-0600	The operational services division may expend not more than \$150,000 in revenues from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel .....	\$150,000
1775-0700	The operational services division may expend not more than \$53,000 in revenues collected in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public, including all necessary incidental expenses .....	\$53,000
1775-0900	The operational services division may expend not more than \$55,000 in revenues collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$55,000
1775-1100	The operational services division may expend not more than \$600,000 in revenues collected from the disposal of surplus	

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motor vehicles, including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that the division shall evaluate the use of technology, the internet, and online auctions to enhance the sales of surplus vehicles and submit a report of its findings to the house and senate committees on ways and means, and the house and senate committees on post audit and oversight on or before October 1, 2007; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel . . . . . \$600,000

1775-1101 For the operation of the affirmative marketing program, housed within the operational services division, for costs associated with the administration of services for minority and women business owners to develop and maintain equitable practices and policies in the public marketplace . . . . . \$299,588

*Information Technology Division.*

1790-0100 For the operation of the information technology division; provided, that the division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall develop a formula to determine the cost that will be charged to each agency for its use of the human resources and compensation management system; provided further, that the division may coordinate with any state agency or state authority which administers a grant program to develop a statewide grant information page on the commonwealth's official worldwide web site, that shall include all necessary application forms and a grant program reference in a format that is retrievable and printable; provided further, that the division shall continue conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communications lines;



provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 16, 2008, with actual and projected savings and expenditures for the audits in the fiscal year ending June 30, 2008; provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item; provided further, that any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds \$200,000 including the cost of any related hardware, software, or consulting fees, and regardless of fiscal year or source of funds, shall be reviewed and approved by the chief information officer before such agency may obligate funds for the project or purchase; and provided further, that the chief information officer may establish rules and procedures necessary to implement this item

\$4,771,058

1790-0300 The information technology division may expend not more than \$479,350 from revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment

\$479,350

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0100 For the operation of the office of the secretary of energy and environmental affairs, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of energy and environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other

funds to which items of appropriation of such agencies are charged; provided further, that \$75,000 shall be expended to the UMass Lowell's Center for Family, Work and Community and partnering with the executive office of energy and environmental affairs to develop an outreach research project based on the Green Building Initiative; provided further, that not less than \$100,000 shall be expended for a one to one matching grant to the Cape Cod bay sanctuary program; provided further, that not less than \$150,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay; provided further, that \$100,000 shall be expended for the executive office of energy and environmental affairs for work on the Plymouth-Carver Aquifer Plan; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take ..... \$7,200,741

2000-9900 For the office of geographic and environmental information established in section 4B of chapter 21A of the General Laws ..... \$290,874

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2001-1001	The secretary of energy and environmental affairs may expend not more than \$125,000 from fees charged to entities other than political subdivisions of the commonwealth for the distribution of digital cartographic and other data for the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws .....	\$125,000
2010-0100	For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that funds may be expended for a recycling industry reimbursement program pursuant to section 241 of chapter 43 of the acts of 1997; and provided further, that funds may be expended on municipal recycling incentives and equipment grants .....	\$2,145,456
2010-0200	For redemption centers; provided, that the department of environmental protection shall expend the funds appropriated in this item for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that the program shall take into consideration the volume of redeemables per redemption center, the length of time the center has been in operation, the number of returnables redeemed quarterly by the centers, the submission by the centers of documentation of their redeemed returnables to the department and the costs of transportation, packing, storage and labor; and provided further, that a redemption center shall be eligible for the funds if registered with the commonwealth as of April 1, 2003 .....	\$550,000

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2020-0100	For toxics use reduction technical assistance and technology in accordance with chapter 21I of the General Laws . . . . .	\$1,534,463
2030-1000	For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; provided further, that the department may provide police patrols on Thursday, Friday and Saturday nights during peak camping season in Wompatuck State Park in the towns of Hingham, Norwell and Cohasset; provided further, that funds from this item shall not be expended for the purposes of item 2030-1004; and provided further, that not less than \$150,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the department of conservation and recreation .	\$10,951,950
2030-1004	For environmental police private details; provided, that the office may expend revenues of up to \$500,000 collected from the fees charged for private details; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$500,000

### *Department of Public Utilities.*

2100-0012	For the operations of the department of public utilities; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied for fiscal year 2008 under that paragraph shall be made at a rate sufficient to produce \$6,276,014 . . . . .	\$6,276,014
2100-0013	For the operation of the transportation division . . . . .	\$584,812
2100-0014	The department of public utilities may expend for the operation of the energy facilities siting board an amount not to exceed \$75,000 from application fees collected in fiscal year 2008 and prior fiscal years from utility companies . . . . .	\$75,000



*Department of Environmental Protection.*

- 2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research; provided, that section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that \$200,000 shall be expended for the administration and enforcement of the mercury management act; provided further, that not less than \$35,000 shall be provided to the town of Millville for water contamination remediation services; provided further, that not less than \$50,000 shall be expended for department of environmental protection pump testing at the Cole property site for a municipal water supply for the town of Carver; provided further, that not less than \$50,000 shall be expended for the Buzzards Bay National Estuary Program; provided further, that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that not less than \$60,000 shall be expended for wetlands protection near the department of public works in the town of Millis; provided further, that not less than \$145,000 shall be provided to the City of Revere under the provisions of chapter 351 of the Acts of 1996; provided further, that not less than \$50,000 shall be expended to install and maintain a twenty-four hour canister ambient air quality monitoring system around the Allegheny Rodney Strip Division and Brittany Dyeing and Printing Corporation facilities in the City of New Bedford; provided further, that not less than \$90,000 shall be provided for Brownfield redevelopment in the City of Lynn; and provided further, that not less than \$100,000 shall be expended for site contamination services associated with the Caryville Mill Senior Housing Program ..... \$34,791,004
- 2200-0102 The department of environmental protection may expend an amount not to exceed \$1,200,000 from revenues collected from fees collected from wetland permits; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between

	the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that the department shall submit a report by January 11, 2008 on implementation of the wetlands fee, the amount of the fee increase and the revenue that has been collected; and provided further, that the wetlands fees that will be directed into the General Fund shall not be lower than the amount deposited at the end of fiscal year 2004 . . . . .	\$1,200,000
2210-0100	For the implementation and administration of chapter 21I of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2008 detailing the status of the department's progress in meeting the statutory and regulatory deadlines associated with chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of chapter 21I . . . . .	\$982,731
2220-2220	For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto-related state implementation program, the low emission vehicle program, the non-auto-related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions . . . . .	\$1,048,831
2220-2221	For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act . . . . .	\$2,049,996
2250-2000	For the purposes of state implementation of the federal Safe Drinking Water Act under section 18A of chapter 21A of the General Laws . . . . .	\$1,628,664
2260-8870	For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 4 of chapter 21J of the General Laws . . . . .	\$16,116,601
2260-8872	For the brownfields site audit program . . . . .	\$1,847,248
2260-8881	For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding section 19A of chapter 21A of the General Laws . . . . .	\$377,680

*Department of Fish and Game.*

2300-0100	For the office of the commissioner; provided, that the commissioner's office shall assess and receive payments from the division of marine fisheries, the division of fisheries and wildlife, the public access board, the riverways programs, and all other programs under the control of the department of fish and game; provided further, that the purpose of those assessments shall be to cover appropriate administrative costs of the department, including but not limited to payroll, personnel, legal and budgetary costs; provided further, that the amount and contribution from each division or program shall be determined by the commissioner of fish and game; provided further, that \$50,000 in matching funds shall be provided to the National Marine Life Center for animal care; provided further, that the department of fish and game shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than October 1, 2007 that details the level of assessments to each department under the control of the office of the commissioner in fiscal years 2006 and 2007 . . . . .	\$545,106
2300-0101	For a program of riverways protection, restoration and promotion of public access to rivers, including grants to public and nonpublic entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws . . . .	\$578,198
2310-0200	For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in	

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an amount not to exceed the amount received in fiscal year 2007 for such research; provided further, that \$200,000 shall be expended to continue to operate fish hatcheries in the towns of Montague and Sandwich; provided further, that the department may expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; provided further, that expenditures for such programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended; and provided further, that funds may be expended to supplement the natural heritage and endangered species program .....		\$9,660,000
Inland Fisheries and Game Fund .....		100.0%
2310-0306 For the hunter safety training program .....		\$472,459
Inland Fisheries and Game Fund .....		100.0%
2310-0316 For the purpose of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2A and 2C of chapter 131 of the General Laws; provided, that funds shall not be expended from this item in the AA object class for the compensation of state employees assigned to any item .....		\$1,500,000
Inland Fisheries and Game Fund .....		100.0%
2310-0317 For the waterfowl management program pursuant to section 11 of chapter 131 of the General Laws .....		\$85,000
Inland Fisheries and Game Fund .....		100.0%
2320-0100 For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas; provided, that positions funded in this item shall not be subject to chapter 31 of the General Law .....		\$630,419
2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that not less than		



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\$333,000 shall be expended for the operation of the Newburyport shellfish purification plant and that plant shall generate not less than \$115,000 from purification fees; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and the Barnstable county department of health and environment; provided further, that \$50,000 shall be expended for the Family Fishing Assistance Center in the city of New Bedford; provided further, that \$50,000 shall be expended for the Family Fishing Assistance Center in the city of Gloucester; and provided further, that the division shall develop a strategy for the sustainable and commercially practicable harvest of dogfish by the commonwealth's commercial fishing industry ..... \$4,966,481

2330-0120 For the division of marine fisheries for a program of enhancement and development of marine recreational fishing and related programs and activities, including the cost of equipment maintenance, staff and the maintenance and updating of data ..... \$580,439

2330-0121 For the division of marine fisheries to utilize reimbursable federal sportfish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that the division of marine fisheries may expend revenues up to \$217,989 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing ..... \$217,989

*Department of Agricultural Resources.*

2511-0100 For the operation of the department of agricultural resources, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, and the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and

Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that \$100,000 shall be expended for 4H activities from this item; provided further, that \$50,000 shall be expended on the YouthGROW program; provided further, that not less than \$10,000 shall be expended to the Plymouth Animal shelter; provided further, that not less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern, and southeastern Massachusetts; provided further, that not less than \$50,000 shall be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes; and provided further, that funds may be expended for implementation of the agricultural marketing strategic plan, including, but not limited to funding for agricultural business training and technical assistance . . . . . \$4,942,183

2511-0105 For the purchase of supplemental foods for the Massachusetts emergency food assistance program within the America's second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall reflect the America's second harvest allocation formula, to benefit the four regional food banks in Massachusetts: The Greater Boston Food Bank, Merrimack Valley Good Bank, The Food Bank of Western Massachusetts and Worcester County Food Bank; and provided further, that the department may assess an administrative charge not to exceed 2 per cent of the total appropriation herein . . . . . \$11,000,000

2511-2000 For the Agricultural Innovation Center; provided, that the Agricultural Innovation Center shall provide a broad range of technical and business development services to the commonwealth's agricultural producers that may add value to the producers products and services; provided further, that the Agricultural Innovation Center shall develop an outreach program to identify and foster new, innovative ideas and approaches to adding value to the commonwealth's agricultural economy; and provided further, that the Agricultural Innovation Center shall solicit requests from the commonwealth's agricultural industry for funding and techni-

cal assistance in training, marketing, distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and agricultural resource management . . . . .	\$1,500,000
2511-3002 For the Integrated Pest Management program . . . . .	\$300,000

*Department of Conservation and Recreation.*

2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding section 3B of chapter 7 of the General Laws, the department shall establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2008; provided further, that notwithstanding any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any intersubsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2007;

provided further, that the department shall maintain and retain all operations, programs, real property and employees related to the Connecticut River Action Program to promote the conservation and protection of the unique natural resources present in the Connecticut river valley; provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract for daily trash removal at Revere beach through proceeds received by the city of Revere and the department of conservation and recreation pursuant to section 29 of chapter 236 of the acts of 2002 and section 2 of this act; provided further, that the department shall notify the house and senate committees on ways and means at least 30 days before closing any facility owned or operated by the department; provided further, that \$10,000 shall be expended for the Woburn Residents' Environmental Network to help protect natural resources and promote public health; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than December 15, 2007 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall detail the efficiencies that have been achieved from said merger; provided further, that said report shall detail the areas of the department where efficiencies have been achieved from the sharing of resources; and provided further, that said report shall provide a plan to fully integrate all aspects of the department and said plan shall provide any recommendations that are necessary to improve the department . . . . . \$6,004,212

2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8



of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that not less than \$300,000 shall be expended for the invasive weed control in the Pepperell pond impoundment of the Nashua river of Groton and Pepperell; provided further, that not less than \$100,000 shall be expended for invasive weed control on the Charles river in Waltham; provided further, that \$50,000 shall be expended for the maintenance of invasive aquatic weeds on the Charles river in Auburndale; provided further, that not less than \$25,000 shall be expended for aquatic weed control in the Upper Mystic lake in Winchester; provided further, that not less than \$15,000 shall be expended for weed control in Winter pond in Winchester; provided further that \$40,000 shall be expended for aquatic nuisance control in Sluice pond and Flax pond in the city of Lynn; provided further, that not less than \$25,000 shall be expended for stormwater remediation and erosion control at Farm Pond in Sherborn; provided further, that not less than \$20,000 shall be expended for a water quality project to Eel Pond in the town of Mattapoisett; provided further, that not less than \$400,000 shall be expended for sediment control in Crystal Lake and Elginwood Pond in the city of Peabody, including but not limited to: \$15,000 for a phosphorus study including algae and weed control and abatement, \$14,000 for plant inventory and monitoring, and \$38,000 for a bathymetry study to determine the exact volume and ascertain the circulation and water quality and appropriate pond level and height for water quality and recreational use in Crystal Lake and Elginwood Pond in the city of Peabody; provided further, that not less than \$100,000 shall be expended for the town of Hopkinton for the operation of North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton, Milford; provided further,

that not less than \$75,000 shall be expended for the Blackwater River in Salisbury; provided further, that not less than \$50,000 shall be expended for Pine Tree Brook in the town of Milton; and provided further, that not less than \$200,000 shall be expended for the water plant in Reading . . . \$2,896,548

2800-0401 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the department of conservation and recreation; provided, that the department shall develop and implement a stormwater management program in compliance with federal and state stormwater management requirements; provided further, that the department shall inventory all existing stormwater infrastructure, assess its current stormwater practices, analyze long term capital and operational needs, and develop a stormwater management plan to comply with federal and state regulatory requirements; and provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department will immediately implement interim stormwater management practices including but not limited to street sweeping, inspection and cleaning of catch basins, and emergency repairs to roadway drainage . . . . . \$941,288

2800-0500 For the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall have their full amount of required maintenance and upkeep; provided further, that no less than \$35,000 shall be expended for the cleanup of *Pilayella* algae on Nahant Beach Reservation; provided further, that not less than \$100,000 shall be expended for the Jones River Watershed Association of Kingston for program support; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2007, that shall include, but not be limited to, the following: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2006 and 2007; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2008 from this item; and

(5) a list of the services or materials for each beach that will be provided from this item; Provided further, that not less than \$2,000,000 shall be expended for personnel and equipment; provided further, that of said \$2,000,000, not less than \$1,000,000 shall be expended for the purchase of new equipment to provide better maintenance of the metropolitan beaches commission, as recommended by the report Beaches We Can Be Proud Of, a report prepared for the Metropolitan beaches commission; provided further, that not less than \$150,000 shall be expended for maintaining, trash removal, maintenance and up keep for Nantasket Beach in the town of Hull; and provided further, that no less than \$50,000 shall be expended for the cleanup of Pilayella algae on Kings Beach and Long beach in Lynn ..... \$5,170,000

2800-0600 For the pools and spray pools under the control of the department of conservation and recreation; provided, that all pools and spray pools shall remain open and staffed from Memorial Day through Labor Day; provided further, that the pools and spray pools shall have their full amount of required maintenance and upkeep; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2007, that shall include, but not be limited to, the following: (1) the amount of funding provided to each pool under the control of the department in fiscal years 2006 and 2007; (2) a breakdown of how the funds were spent for each pool and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each pool in fiscal year 2008 from this item; and (5) a list of the services or materials for each pool that will be provided from this item ..... \$750,000

2800-0700 For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams in Massachusetts, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; provided further, that not less than \$75,000 shall be expended for repairs to Manns Pond Dam in Sharon; provided further, that not less than \$100,000 shall be expended for a study of the pumping capacity of the Amelia

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	Earhart Dam on the Mystic River; provided further, that not less than \$100,000 shall be expended for the repairs of the dam in the town of Millbury; and provided further, that not less than \$125,000 shall be expended for the dam on the Squannacook River known as the Squannacook Dam, and jointly owned by the towns of Groton and Shirley . . . . .	\$1,445,000
2800-2000	For the state licensed foresters program the department of conservation and recreation may expend an amount not to exceed \$600,000 from revenues collected from the sale of timber for materials, supplies, equipment and compensation of employees of the program; provided, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded in the Massachusetts management accounting and reporting system . . . . .	\$600,000
2800-9004	For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center . . . . .	\$425,000
2810-0100	For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division's lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; and provided further, that the level of funding for the beaches and pools from this item in fiscal year 2008 shall not be reduced from fiscal year 2007; provided further, that not less than \$250,000 shall be expended for the town of Holbrook; provided further, that not less than \$185,000 shall be expended for the Schooner Ernestina Commission; provided further, that not less than \$250,000 shall be expended by the department of conservation and recreation to hire additional state licensed foresters; provided further, that not less than \$350,000 shall be expended to monitor and control water and wastewater systems in the town of Medfield; provided further, that not less than \$100,000 shall be expended for the Camp Marion Recreation Program; provided further, that not less than \$100,000 shall	



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	be expended for Nashawannuck Pond in Easthampton; and provided further, that Watson's Pond state park in Taunton and Ames Nowell state park in Abington shall remain open and appropriately staffed to allow public swimming and recreation for the season . . . . .	\$23,305,308
2810-0200	For summer employment programs at department of conservation and recreation facilities; provided, that the programs shall include peer-led youth recreation and interpretive programs, a youth all-star band, and a park repair and improvement program by skilled and unskilled laborers; and provided further, that the programs shall provide opportunities for underprivileged populations, especially in economic development areas . . . . .	\$2,000,000
2810-2000	For the seasonal hires of the division of state parks and recreation, including hires for the forest fire control unit; provided, that no funds from this item shall be expended for year-round seasonal employees; provided further, that seasonal employees who are hired before the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 2007 shall continue to receive such benefits in fiscal year 2008 during the period of their seasonal employment; provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified in this item; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period . . . . .	\$5,570,015
2810-2040	The division of state parks and recreation may expend not more than \$4,454,826 from revenue collected from fees charged by the division, including revenues collected from campsite reservation transactions from the automated campground reservation and registration program for additional expenses, upkeep and improvements to the parks and recreation system	

and for the personnel costs of seasonal employees; provided, that no funds from this item shall be expended for the costs of full-time equivalent personnel; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and the implications of that variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item . . . . . \$4,454,826

2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that no less than \$55,000 shall be expended for the maintenance of Red Rock park on Lynn Shore drive in the city of Lynn including \$5,000 for the replacement of dead vegetation in the park; provided further, that not less than \$125,000 shall be expended for the athletic fields located on Robinson Street and Hancock Street in the town of Hanson; provided further, that \$250,000 shall be expended for the linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than \$75,000 shall be expended for the Eugene Lovely field in Andover; provided further, that not less than \$100,000 shall be expended for park located in Suffolk County on parcel 2102442005; provided

further, that not less than \$225,000 shall be expended for lighting, infrastructure repair and horticulturalist personnel for the southwest corridor park; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that not less than \$3,900 shall be expended on the Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that \$297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2008 shall not be reduced from fiscal year 2007; provided further, that not less than \$50,000 shall be provided for safety improvements by the ponds at Lake Street in the Town of Acushnet; provided further, that not less than \$450,000 shall be expended to the city of Lowell; provided further, that not less than \$75,000 shall be expended for the Herter Center in the Christian A. Herter Park located in Allston-Brighton for the purpose of preserving educational and cultural materials that benefit the Commonwealth; provided further, that not less than \$50,000 shall be provided to the Lake Singletary Watershed Association for services related to water quality and conservation improvements; provided further, that not less than \$75,000 shall be expended for staffing, management, and maintenance, on the esplanade in Boston; provided further that not less than \$75,000 shall be expended for the Library Park in the city of Woburn; provided further that not less than \$50,000 shall be expended for public safety on the Deerfield and upper Connecticut River; provided further, that not less than \$100,000 shall be expended for the Heritage State Park located in the Roxbury section of the city of Boston; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; provided further, that not less than \$25,000 shall be provided to the Veterans' Memorial Park in Blackstone; provided further,

that not less than \$100,000 shall be expended for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located, sited and operated from a stable and facilities in the Blue Hill Reservation; provided further, that not later than December 28, 2007, the department of conservation and recreation shall file with the house and senate committees on ways and means an annual report detailing the actual expenditures of funds; provided further, that any funds not so expended solely for this purpose shall be reimbursed to said department of conservation and recreation park rangers mounted unit from the funds allocated for the operation of the office of the secretary of the executive office of environmental affairs fiscal year 2007 budget allocation, retroactively; provided further, that the secretary of the executive office of environmental affairs is hereby directed to request and obtain the return of all animals, equipment, including: tack and trailers, and personnel of the department of conservation and recreation park rangers mounted unit within their control, custody and possession as of January 1, 2004; provided further, that should additional horses of a comparable or better quality as such horses in said mounted unit as of January 1, 2004 need to be obtained by gift or purchase, that said office of the secretary of the executive office of environmental affairs shall incur said costs; provided further, that the secretary of environmental affairs is hereby directed to commence an investigation and study relative to forming a public/private partnership to assist in the maintenance and care of the unit, including: but not limited to, fundraising, operating and maintaining the horses, stables and other facilities in connection with said department of conservation and recreation mounted ranger unit; provided further, that not less than \$250,000 shall be expended for public safety along Nonantum Road in Watertown; provided further, that not less than \$40,000 shall be expended on Havey Beach in West Roxbury; provided further, that not less than \$75,000 shall be expended for the costs associated with the clean up of the Charles River lakes district; provided further, that not less than \$150,000 shall be expended for im-



	provements to the Hill Park and the William G. Reinstein Recreation Complex in the City of Revere; and provided further, that not less than \$75,000 shall be expended for electronic flood gates at the Furnace Brook/Black's Creek on Quincy Shore Drive . . . . .	\$28,948,582
2820-0101	For the costs associated with the department's urban park rangers specific to the security of the state house; provided, that funds appropriated in this item shall only be expended for the costs of security and urban park rangers at the state house . . . . .	\$1,914,803
2820-0200	For seasonal hires of the division of urban parks and recreation; provided, that no funds in this item shall be used for year-round seasonals; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period . . . .	3,000,000
2820-0300	For the operation and maintenance of the central artery/tunnel parks and Spectacle island . . . . .	\$1,771,000
2820-1000	The division of urban parks and recreation may expend not more than \$200,000 from revenue collected pursuant to section 34B of chapter 92 of the General Laws . . . . .	\$200,000
2820-1001	The division of urban parks and recreation may expend not more than \$50,000 from revenue collected for the operation and maintenance of the division's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the department of highways, central artery/Ted Williams tunnel project, the department of state police and quasi-public and private entities through a system of user fees and other charges established by the commissioner of conservation and recreation; provided, that nothing in this item shall impair or diminish the rights of access and utilization of all current users of the system under agreements previously entered into; and provided further, that this item may be reimbursed by political subdivisions of the common-	

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	wealth and private entities for direct and indirect costs expended by the division to maintain the telecommunications system . . . . .	\$50,000
2820-2000	For the expenses of maintaining the parkways within the division of urban parks and recreation, including the costs of personnel and snow and ice removal expenses; provided, that the department of conservation and recreation shall take all measures to ensure that the department's snow and ice control efforts are efficient and cost effective; provided further, that the secretary of environmental affairs shall submit to the house and senate committees on post audit and oversight and the house and senate committees on ways and means a report detailing a snow emergency plan for roads, bridges and sidewalks under the care of the department of conservation and recreation by January 14, 2008; and provided further, that the secretary of environmental affairs shall submit to the house and senate committees on post audit and oversight and the house and senate committees on ways and means a report not later than September 1, 2007 which shall include, but not be limited to, the following: (a) a list of amounts paid from state appropriations for snow and ice control efforts for fiscal years 2006 and 2007 and (b) any other information that said secretary determines is necessary to account for and explain the extraordinary expenditure of state appropriations for the control and removal of snow and ice . . . . .	\$1,000,000
2820-3001	The division of urban parks and recreation may expend not more than \$1,000,000 from revenue collected from skating rink fees and rentals for the operation and maintenance, including personnel costs, of 4 rinks between September 1, 2007 and April 30, 2008 for an expanded and extended rink season; provided, that when assigning time for the use of its rinks, the division shall give priority to those which qualify under applicable state and federal law as nonprofit organizations or as a public school . . . . .	\$1,000,000
2820-4420	For the operation and maintenance of the Ponkapoag golf course; provided, that the division of urban parks and recreation may expend not more than \$1,100,000 from revenue collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify	

	for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30 .....	\$1,100,000
2820-4421	For the operation and maintenance of the Leo J. Martin golf course; provided, that the division of urban parks and recreation may expend not more than \$1,100,000 from revenue collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30 ...	\$1,100,000
2820-9005	For the operation of street lighting on the division of urban parks and recreation parkways; provided, that no expenditure shall be made other than in the GG object class; provided further, that the department of conservation and recreation shall take all measures to further ensure that said department's street lighting efforts are efficient and cost effective; provided further, that said department shall implement a plan to achieve efficiencies and reduce said lighting costs; and provided further, that said department shall file a report with the house and senate committees on ways and means not later than September 1, 2007 on measures taken to ensure efficiency and cost effectiveness of their street lighting program that shall include but not be limited to the following (1) all efforts taken by said department to reduce street lighting costs in fiscal years, 2006 and 2007 (2) efforts to reduce the amount paid for electricity through bulk purchasing agreements and (3) a long range plan on energy savings initiatives .....	\$3,157,174

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### *Division of Energy Resources.*

7006-1000	For the operation of the division of energy resources . . . . .	\$1,027,121
7006-1001	For the residential conservation service program under chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws . . . . .	\$201,272
7006-1003	For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item . . . . .	\$441,404

### *Department of Early Education and Care.*

3000-1000	For the administration of the department of early education and care and the costs of field operations and licensing provided through the department; provided, that funds from this item shall be expended on the development and piloting of a kindergarten readiness assessment system that is educationally sound; provided further, that funds from this item shall be expended on the development of a comprehensive evaluation system for all early education and care programs in the commonwealth; provided further, that the department shall report on the first business day of each month to the joint committee on education, the joint committee on children and families, the house and senate committees on ways and means, and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized early education and care programs and services, including supportive child care services; provided further, that, notwithstanding chapter 66A of the general laws, the department of early education and care, the lead agencies of community partnership councils, the child care resource and referral agencies, the department of education, the department of transitional assistance, the department of social services, and the department of public health may share with each other personal data regarding the parents and children who receive services provided under early education and care programs administered by the commonwealth for waitlist management,	
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program implementation and evaluation, reporting, and policy development purposes; provided further, that funds from this item shall be expended to develop an implementation plan for a workforce development system in collaboration with the board and chancellor of higher education, pursuant to section 5 of chapter 15D of the general laws; provided further, that as part of the development of said workforce implementation plan, the department shall expend funds for the development of core competencies for those working with children in early education programs; provided further, that the department shall consult with early childhood education practitioners, researchers and experts in early childhood education, child development, and children's mental health, and faculty in degree granting programs in the early childhood education field; provided further, that in developing said core competencies the department shall differentiate by levels of responsibility, delivery settings, and developmental age group of the children; provided further, the department shall consider core competencies defined by other states as well as the program standards for children ages 3 and 4 promulgated by the department of education; provided further, that the board of early education and care shall approve core competency requirements for those working with children from birth through entrance into kindergarten; provided further, that not less than \$250,000 shall be expended for the development of a quality rating system for early education and care programs participating in the universal pre-kindergarten program under chapter 15D of the General Laws; provided further, that the department shall consult with experts in early childhood education and quality measurement and with Massachusetts providers, including those representing family child care, non-profit centers, for-profit centers, head start programs, and public school programs; provided further, that the development of a quality rating system shall include, but not be limited to, a definition of quality standards under said chapter 15D, the development of a quality rating scale, and recommendations relative to quality rating system implementation, governance, monitoring, accountability, and for ensuring reciprocity between a quality rating system and existing accountability standards including

but not limited to licensing regulations, National Association for the Education of Young Children accreditation, PRISM, and public school standards; provided further, that the department shall issue a report, not later than February 15, 2008, on the status of the department's programming to the secretary of administration and finance, the senate president, the speaker of the house, the chairpersons of the house and senate committees on ways and means, and the house and senate chairperson of the joint committee on education; provided further, that the report shall contain the proposed core competencies to be issued by the department, and the status and findings of the department's quality rating system; provided further, that the report shall contain a multi-year plan for the alignment of rates and quality standards and for program to move toward meeting the quality standards enumerate in item 3000-5075; provided further, that the report shall include on the number of children served in the pilot program created in item 3000-4050 of this act, the number of additional children who would be eligible for services in that category, and the estimate cost of fully funding early education and care for those children; provided further, that the report shall contain details on the implementation of universal pre-kindergarten grants, along with any legislative recommendations for the improvement of the program; provided further, that the report shall contain a multi-year plan for the alignment of all classroom based quality enhancement grants funded by the department in order to ensure fairness and consistency across all pre-school grant programs; provided further, that the report shall included the department's recommendations on the consistent implementation of accreditation assistance across the commonwealth; provided further, that the report shall include the number of early childhood educators and providers who have received such training, the estimate number who have requested such additional training, and a review and analysis of the most effective types of professional development; and provided further, that the report shall included the estimated number of pre-school suspensions and expulsions that occur each year in the commonwealth, the relative frequency of each type of mental illness or behavioral issues among children receiving

	programs and services from the department, and an analysis of the most effective intervention strategies . . . . .	\$13,496,287
3000-2000	For local and regional administration and coordination of services provided by child care resource and referral agencies and community partnerships for children lead agencies; provided, that funding for eligible early education and care activities shall include, but not be limited to, administrative costs of these agencies, program coordination and support, voucher management, outreach to hard to reach populations, intake and eligibility services for families seeking financial assistance to enroll in early education and care programs, resource and referral for families with disabilities in child care programs, support of comprehensive services for children and families, maintenance of the department's centralized waiting list for state-subsidized early education and care, community-based programs that provide direct services to parents, walk-in services for homeless families, and comprehensive planning at the local level through interagency and community collaboration; provided further, that community partnership councils receiving grants distributed from this item shall not expend more than \$4,625,533 for administrative costs, as defined by the department; provided further, that the department shall assist the community partnership councils receiving grants of less than \$100,000 that choose to regionalize with the implementation of any regionalization plans; and provided further, that up to \$500,000 may be expended on planning grants to assist local councils in expanding their mission beyond pre-school aged children to include the provision of comprehensive services, community collaboration, quality, and outreach efforts to all children served by the department regardless of age . . . . .	\$24,958,948
3000-2050	For the administration of the Children's Trust Fund; provided, that notwithstanding any general or special law to the contrary, the department of early education and care shall collaborate with Children's Trust Fund on the implementation of section 202 of chapter 6 of the General Laws, but shall not exercise any supervision or control with respect to the board . . . . .	\$1,323,194
3000-3050	For supportive early education and care associated with the family stabilization program; provided, that funds from this item shall only be expended for early education and care costs	

of children with active cases at the department of social services; provided further, that the department of social services and the department of early education and care are directed to design and implement standards for early education and care placements made under this item; provided further, that the department of early education and care, in collaboration with the department of social services, shall maintain a centralized list detailing the number of children eligible for services in this item, the number of supportive slots filled, and the number of supportive slots available; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and with the secretary of administration and finance, a report detailing the amount of appropriation needed to address such a deficiency; and provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000, 3000-4050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before the transfer . . . . . \$67,298,130

3000-4050 For early education and care programs for families in transition; provided, that the department shall issue monthly reports detailing the number and average cost of voucher and contracted slots funded from this item and item 3000-3050 by category of eligibility; provided further, that the report shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995 funded from this item; provided further, that recipients of benefits under the employment services program or any successor program, participants of any component activity under the program of transitional aid to families with dependent children, former recipients of transitional aid to families with dependent children who are employed during the year after termination of benefits, former recipients of transitional aid to families with



dependent children participating in education or training programs authorized by department of transitional assistance regulations, parents under the age of 18 currently enrolled in an education or job training program who would qualify for transitional aid for families with dependent children, but for the deeming of grandparents' income, and former recipients of transitional aid to families with dependent children who are employed or in an authorized period of job search as of the expiration of the transitional year, and require post-transitional early education and care vouchers, shall be paid for from this item; provided further, that recipients of transitional aid to families with dependent children shall not be charged fees for care provided under this item; provided further, that early education and care for the children of teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time early education and care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits from the program; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that informal early education and care benefits shall be funded from this item; provided further, that not more than \$2 per child per hour shall be paid for the services; provided further, that income-eligible early education and care shall not be funded from this item; provided further, that all early education and care providers that are part of a public school system shall accept early education and care vouchers from recipients funded through this appropriation; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will

be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and with the secretary of administration and finance, a report detailing the amount of appropriation needed to address such a deficiency; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; provided further, that not more than 3 percent of any item may be transferred in fiscal year 2008; and provided further, that if the department determines that additional funds will be available in this item after providing services to all eligible children, the department may expend funds on a pilot program to serve the children of parents or other relatives receiving supplemental security income or otherwise not receiving the aid but whose dependent children receive the aid . . . . . \$166,944,998

3000-4060 For income-eligible early education and care programs; provided, that income eligible programs shall not include the employment services child care program, transitional child care programs, or post-transitional child care programs; provided further, that the department of early education and care may not fund programs from this item unless explicitly authorized; provided further, that not less than 500 early education and care slots shall be reserved for children in the foster care program at the department of social services; provided further, that informal early education and care benefits for families meeting income-eligibility criteria shall be funded from this item; provided further, that not more than \$2 per child per hour shall be paid for the services; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that all early education and care providers that are part of a public school system shall be required to accept early education and care vouchers from recipients funded through this appropriation;

provided further, that \$47,761,095 shall be expended to provide pre-school direct services to eligible children through the local councils funded in item 3000-2000 in chapter 139 of the acts of 2006; provided further, that said funds shall be provided only to councils which provided direct services to children through item 3000-4000 in fiscal year 2007; provided further, that programs receiving funding through said councils in fiscal year 2008 shall meet the quality standards required by programs funded through item 3000-4000 in fiscal year 2007; provided further, that said councils shall receive grants sufficient to ensure that any child receiving services through the councils on July 1, 2007 shall continue to receive services on the same terms and conditions as during fiscal year 2007; provided further, that the councils shall enroll any new children receiving services in fiscal year 2008 from the centralized waitlist maintained by the department under terms and conditions to be determined by the department, including but not limited to a maximum rate capped at the seventy fifth percentile of the regional market rate; provided further, that children receiving services through this allocation shall retain priority status for future services available through the department upon attaining the age of 5; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000 and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; provided further, that not more than 3 percent of any item may be transferred in fiscal year 2008; provided further, that said plan shall be forwarded to the house and senate chairs of the joint committee on education, the chairs of the house and senate ways and means committees, and the secretary of administration and finance; provided further, that the department shall maintain not less than the same number of vouchers funded in fiscal year 2007; and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district with-

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	out municipal appropriation, notwithstanding any general or special law to the contrary . . . . .	\$209,825,847
3000-5000	For grants to head start programs; provided, that funds from this item may be expended on early head start programs . . . . .	\$9,000,000
3000-5075	For the Massachusetts Universal Pre-Kindergarten Program established under chapter 15D of the General Laws; provided, that funds from this item shall be expended on grants to improve the quality of and expand access to preschool programs and services to children from the age of 2 years and 9 months until they are kindergarten eligible, through a mixed system of service delivery including public, private, non-profit and for-profit pre-schools, child care centers, nursery schools, preschools operating within public and private schools and school districts, Head Start programs, independent and system-affiliated family child care homes; provided further, that funds shall be awarded directly to programs; provided further, that in awarding grant funds under this program, preference shall be given to establishing pre-school classrooms in towns and cities with schools and districts at risk of or determined to be under-performing in accordance with sections 1J and 1K of chapter 69, schools and districts which have been placed in the accountability status of identified for improvement, corrective action, or restructuring pursuant to departmental regulations, or which have been designated Commonwealth priority schools or Commonwealth Pilot Schools pursuant to said regulations, schools or districts with a high percentage of students scoring in level 1 and 2 on the MCAS exams, or programs which serve children not less than 50 per cent of whom are from families earning at or below 85 per cent of the state median income; provided further, that all programs designated as Massachusetts Universal Pre-Kindergarten program participants shall meet high program quality standards including those outlined in the Early Childhood Program Standards for Three and Four Year Olds and the Guidelines for Preschool Learning Experiences, and including appropriate standards for teacher and staff quality, teacher to child ratios and group size, age-appropriate curriculum and child assessment practices, kindergarten readiness assessments, comprehensive services like health and dental screenings and	



mental health supports where needed, transition to kindergarten policies, and program evaluation; provided further that any newly-funded programs designated as Massachusetts Universal Pre-Kindergarten program participants must have been accredited by the National Association for the Education of Young Children, the New England Association of Schools and Colleges, the National Association of Family Child Care or a Child Development Associate (CDA) credential; provided further, that funds may be expended on programs working towards the designation of being a Massachusetts Universal Pre-Kindergarten Program participant; provided further, that programs shall have in place an assessment tool approved by the department, including but not limited to: Work Sampling, High Scope Child Observation Record, Creative Curriculum Developmental Continuum, or Ages and Stages; provided further, that remaining funds available after grants are made to eligible programs may be expended on programs working towards the designation of being a Massachusetts Universal Pre-Kindergarten Program participant; provided further, that the grant program shall be sufficiently flexible to serve families with various work schedules; provided further, that programs receiving grant funds may use the funds to enhance teacher and staff quality and compensation, enhance program ability to interpret and use assessment data effectively, enhance developmentally appropriate practice, incorporate ancillary services into the program, facilitate or provide access to wrap-around services for working families, or to increase capacity to expand access to age-eligible children on the centralized wait list maintained by the department; provided further, that preference shall be given in awarding grants to those programs which demonstrate affordability for middle class and working class parents according to standards to be developed by the department; provided further, that the department shall issue a report, not later than February 15, 2008, proposing a multi-year plan for the alignment of all classroom based quality enhancement grants funded by the department in order to ensure fairness and consistency across all pre-school grant programs; provided further, that said plan shall be forwarded to the house and senate chairs of the joint

committee on education, the chairs of the house and senate ways and means committees, and the secretary of administration and finance and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary . . . \$7,138,739

3000-6000 For grants to early education and care providers in the commonwealth for the costs associated with accreditation by the National Association for the Education of Young Children, the National Association for Family Child Care, or such other accreditation agencies approved by the board; provided, that funds shall be distributed by the department with approval of the board; provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that the department shall work with community partnership councils and child care resource and referral centers to identify applicants who are highly talented providers capable of meeting the rigorous accreditation requirements of these agencies; and provided further, that, in order to ensure continuity in the accreditation process, the department shall provide continuation grants without further application to any local council which received funds last year, and which are engaged in ongoing accreditation projects . . . \$1,738,739

3000-6050 For grants to provide professional development for early education and care providers to be distributed by the department with approval of the board; provided, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that the department shall only approve professional development courses and offerings with proven, replicable results in improving early education and care, and

	which shall have demonstrated the use of best practices, as determined by the department; provided further, that said professional development courses shall be aligned with core competencies identified by the department and with the Massachusetts Universal Pre-Kindergarten program quality standards; and provided further, that the department shall encourage and support early childhood education and care providers to obtain associates and bachelors degrees through the Building Careers program mode .....	\$3,108,000
3000-6075	For early childhood mental health consultation services in early education and care programs in the commonwealth; provided, that preference shall be given to those services designed to limit the number of expulsions and suspensions from said programs; and provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, child care resource and referral centers and other qualified entities .....	\$2,400,000
3000-7000	For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children’s Trust Fund; provided, that the department shall collaborate with the Children’s Trust Fund, whenever feasible and appropriate, to coordinate services provided through this item with services provided through item 3000-7050 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department; provided further, that such services shall be made available statewide to parents under the age of 21 years; and provided further, that notwithstanding any general or special law to the contrary, priority for such services shall be given to low-income parents .....	\$12,763,844
3000-7050	For grants to programs which improve the parenting skills of participants in early education and care programs in the commonwealth; provided, that not less than \$5,395,694 shall be expended on the Mass Family Networks program; provided further, that not less than \$3,000,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program; provided further, that the department shall distribute	

said \$3,000,000 not later than September 15, 2007; provided further, that \$1,000,000 shall be made available for matching grants to fund a Reach Out and Read program, to provide books to at-risk children through book distribution programs established in community health centers, medical practices, and hospitals for at-risk children; and; provided further, that the funds distributed through Reach Out and Read program shall be contingent upon a match of match of not less than \$1 in private or corporate contributions for every \$1 in state grant funding; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through items 3000-7000 and 3000-7050 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department .....\$9,455,694

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Office of the Secretary.*

4000-0112 For matching grants to boys' and girls' clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs; provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that not less than \$3,300,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that not less than \$50,000 shall be expended for the Methuen Branch of the Merrimack Valley YMCA; provided further, that not less than \$80,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Services Incorporated of Lawrence provided further, that not less than \$50,000 shall be expended for the West Suburban YMCA; provided further, that not less than \$100,000 shall be expended for the YWCA of Newburyport; provided further, that not less than \$50,000 shall be expended for the Chelsea YMCA; provided further, that not less than \$100,000 shall be expended for the Springfield Day Nursery;



provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that not less than \$25,000 shall be expended for the YMCA of Greater Lynn; provided further, that not less than \$100,000 shall be expended for the Nazzaro Recreation Center; provided further that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$50,000 shall be expended for programs at the YWCA of Haverhill; provided further, that not less than \$50,000 shall be expended for the Oak Square YMCA that will service teens from ages 13 to 17, inclusive; provided further, that not less than \$100,000 be expended for health and wellness programming at the YWCA of Greater Lawrence; provided further, that not less than \$125,000 shall be expended for the Greater Worcester YMCA youth programs; provided further, that not less than \$50,000 shall be expended for the Girls Incorporated of Holyoke; provided further, that not less than \$50,000 shall be expended for programs at the Northeast Family YMCA provided further, that not less than \$35,000 shall be expended for the United Way of Tri-County for services at the Milford Youth Center; provided further, that not less than \$500,000 shall be expended for youth programs in Massachusetts administered by the Cal Ripken, Sr. Foundation; provided further, that not less than \$100,000 for Dot-Well youth services and out of school time activities; provided further, that not less than \$100,000 shall be expended for the United Teen Equity Center in Lowell; provided further that not less than \$50,000 shall be expended for the YMCA of Cape Cod; provided further, that not less than \$250,000 shall be expended for the Children's Friend and Family Services of Salem; provided further, that not less than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$50,000 shall be expended for a community fitness and nutrition program for youth in the town of Watertown operated by Boston Boxing and Fitness, Inc.; provided further, that not less than \$25,000 shall be expended for the YMCAs of Massachusetts, Inc., for distribution to its member YMCAs; provided further, that not

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	less than \$25,000 shall be expended for programs at the Fishing Academy, Incorporated; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2008 by February 1, 2008 .....	\$5,705,000
4000-0265	For a primary care workforce development and loan forgiveness grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the Commonwealth; provided, that the grant shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of the executive office of health and human services and relevant member agencies; and provided further, that the funds shall be matched by other public and private funds; and provided, further, that the League shall work with said secretary and said agencies to maximize all sources of public and private funds .....	\$1,700,000
4000-0300	For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated in this item shall be expended for the administrative, contracted services and non-personnel systems	

costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided further, that the costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the Medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made for the purpose of programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways

and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that the recoveries shall be considered current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that the secretary shall ensure that supplemental Medicaid rates required pursuant to section 128 of chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2008 the definition of a "pediatric specialty unit" shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons



and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 5.0 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that the executive office, in fiscal year 2008, shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005 provided further, that a new methodology shall be established for rates reimbursed by the commonwealth through the division of health care finance and policy and the executive office of health and human services to cover the cost of care provided by any health care facility licensed by the department of public health as a non-acute chronic hospital with no fewer than 500 licensed beds as of

June 30, 2007, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2007, and with an established geriatric teaching program for physicians, medical students, and other health professionals, as follows: (1) the rate for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy, and any such health care facility; provided, that the process for development of this rate shall include a mechanism to adjust the rate to account for costs outside the reasonable control of the facility that may arise after the rate has been established; (2) the reimbursement methodology shall incorporate the following components: (a) utilization of the payment methodology in effect during fiscal year 2006 together with the most recent 403 cost report filed with the division of health care finance and policy, (b) a per diem rate shall be established which reimburses the full cost, including capital, for both acute and administratively necessary services, (c) a separate per diem rate shall be established which reimburses the full cost, including capital, for long term care services, (d) both rates shall include the full cost, not otherwise reimbursed, of teaching and research activities, and (e) rates shall be inflated over the base year period by the applicable medicare market basket inflation factors; (3) until such time as the new reimbursement methodology is established pursuant to this section, the per diem rates for any such facility shall be increased by at least 13 dollars per day over the rates in effect on April 1, 2007 for the year starting July 1, 2007, and by 5 percent annually for each subsequent year; provided, that notwithstanding this section or any contractual or other provision of law, such facility shall have the right to an increase to the rate then in effect to account for costs outside the reasonable control of such facility that may arise; and (4) notwithstanding any other provision of law, in no event will the rates of payment be lower than the highest rate in effect for such facility in the previous state fiscal year; provided further, that the secretary shall ensure that all Medicaid benefit restorations, program expansions, and rate increases required pursuant to chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, that the executive office shall include

smoking and tobacco use cessation treatment and information within MassHealth covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that with respect to section 6036 of the Deficit Reduction Act of 2005, the executive office shall assist applicants and recipients born in Massachusetts to obtain a copy of a birth certificate for the purpose of establishing eligibility for Medicaid at no cost to said individuals, and shall provide such additional assistance as may be needed by those applicants and recipients born outside of Massachusetts; provided further, that the executive office shall not, by amendment to the state plan or amendment to the section 1115 demonstration program, elect any state option to increase premiums and cost sharing or reduce benefits pursuant to sections 1916A and 1937 of the Social Security Act as amended by chapter 4 of Title VI of the Deficit Reduction Act of 2005, Pub. L. No. 109171 with respect to any category of persons eligible for medical benefits under chapter 118E as said chapter was in effect on January 1, 2006, unless the executive office has given 90 days notice to the legislature and has received approval of the proposed plan from a majority of the legislature; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state privacy laws; provided further, that not later than September 1, 2007, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2008 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that not less than \$200,000 shall be expended for a Health Care Reform Outreach and Education unit within the executive office for the purpose of coordinating statewide activities in marketing, outreach, and the dissemination of educational materials related to state law changes contained in Chapter 58 of the Acts of 2006; provided further, that the unit shall collaborate with the office

of Medicaid, the executive office of administration and finance, the division of unemployment assistance, the department of revenue, the division of insurance, the Commonwealth Health Insurance Connector Authority, and the recipients of enrollment outreach grants pursuant to item 4000-0352, to develop common strategies, best practices, and guidelines for providing informational support and assistance to consumers, employers, and businesses; and provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 or 4000-1405, shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding and that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2008 ..... \$142,273,307

4000-0301 For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to, eligibility verification, disability evaluations, provider financial and clinical audits and other initiatives intended to enhance program integrity ..... \$2,200,000

4000-0320 The executive office may expend an amount not to exceed \$225,000,000 from the monies received from recoveries of any current or prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, Masspro and Healthpro refunds, medicaid fraud returns, data match returns, Medicare appeals, and program and utilization review audits; provided, that additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions upon a recipient's death and held by the executive office for more than 3 years, may, notwithstanding any general or special law to the contrary, be credited to this item; provided further, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately; provided further, that additional categories of recoveries and collections



may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the purposes of item 4000-0300; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; and provided further, that the executive office shall file quarterly with the house and senate committees on ways and means, a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures . . . . . \$225,000,000

4000-0352 For MassHealth enrollment outreach grants to public and private nonprofit groups to be administered by the executive office in consultation with the Health Care Reform Outreach and Education Unit; provided, that grants shall be awarded to groups statewide, including areas in which the United States Census deems there exists a high percentage of uninsured individuals and areas in which there are limited health care providers; provided further, that funds shall be awarded as grants to community and consumer-focused public and private nonprofit groups to provide enrollment assistance, education and outreach activities directly to consumers who may be eligible for MassHealth, the Commonwealth Care Program, or the Commonwealth Choice Program, and who may require individualized support due to geography, ethnicity, race, culture, immigration or disease status and representative of communities throughout the commonwealth; provided further, that funds shall be allocated to provide informational support and technical assistance to recipient organizations and to promote appropriate and effective enrollment activities through the statewide health access network; provided further, that the cost of information support and technical assistance shall not exceed 10 per cent of the appropriation and shall not be used to defray current state obligations to provide this assistance; provided further, that in awarding said grants, the executive office of health and human services, in consultation with the Health Care Reform Outreach and Education Unit, shall provide written guidance to selected grantees with specific strategies of how to expend funds in the most efficient manner to target populations and

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	avoid duplication of activities, including examples of best practices among prior year outreach grant recipients; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amounts distributed in fiscal year 2008 by February 1, 2008 and the extent to which any portion of resulting expenditures are eligible for federal reimbursement .....	\$3,500,000
4000-0355	For the operation of a health care quality and cost council established pursuant to section 16K of chapter 6A of the General Laws to promote high-quality, cost-effective, patient-centered care .....	\$1,000,000
4000-0430	For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children under sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that the executive office shall maximize federal reimbursement for state expenditures made on behalf of such adults and children; provided further, that children shall be determined eligible for the medical care and assistance if they meet the disability standards as defined by the executive office, which standards shall be no more restrictive than the standards in effect on July 1, 1996; and provided further, that the executive office shall process commonhealth applications within 45 days of receipt of a completed application or within 90 days if a determination of disability is required .....	\$101,582,264
4000-0500	For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office and for MassHealth benefits provided to children, adolescents and adults under clauses (a), (b), (c), (d) and (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that funds may be expended from this item for health care services provided to the recipients in prior	

fiscal years; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new Medicaid management information system project, said executive office shall continue to study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; provided further, that said secretary shall report to the house and senate committee on ways and means any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications; provided further, that not less than \$14,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; provided further, that not less than \$2,000,000 of said \$14,000,000 shall be expended as a grant to said pediatric chronic and rehabilitation long-term care hospital for which federal financial participation and federal approval need not be obtained; provided further, that \$11,900,000 shall be expended on disproportionate share payments to high public payer hospitals; provided further, that the executive office shall ensure that actuarially sound rates for a publicly-operated entity pursuant to section 122 of chapter 58

of the acts of 2006 are implemented in fiscal year 2008; and provided further, that notwithstanding any general or special law to the contrary, the secretary of health and human services shall not reassign to a managed care plan under contract with the office of MassHealth the behavioral health benefit of any eligible person when the benefit is managed by MassHealth's specialty behavioral health managed care contactor, after the benefit is elected by or initially assigned to that person, unless the person provides written or verbal consent to the reassignment; provided further that, no later than December 1, 2007, the office of Medicaid shall submit a Medicaid Transformation Grant, federal funding opportunity number HHS-2007-CMS-MTG-0010, to the Centers for Medicare & Medicaid Services (CMS) to fund a MassHealth e-Prescribing pilot project to introduce electronic prescription writing (e-prescribing) to Medicaid providers for developing, piloting, evaluating and rolling out a real-time decision support solution that can be integrated into providers' workflow that will be accomplished by integrating prior authorization, preferred drug lookup, and other components of Affiliated Computer Services' (ACS, Mass Health's claims processing contractor) application used by MassHealth providers with the Rx Gateway for prescription routing and related services already under development by MA-SHARE (Massachusetts Simplifying Healthcare Among Regional Entities), the commonwealth's public-private collaborative for health information exchange; and provided further, that the office of Medicaid shall forward a copy of this application to the house and senate committee on ways and means and the house and senate chairpersons of the joint committee on health care financing ..... \$2,884,675,464

*Executive Office of Elder Affairs.*

4000-0600 For health care services provided to MassHealth members who are seniors, and for the operation of the senior care options program under section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that funds shall be expended for the 'community choices' initiative; provided further, that benefit for this demonstration project shall not be reduced below



the services provided in fiscal year 2007; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2007; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the “community choices” initiative in fiscal year 2008 delineated by the federal poverty level; provided further, that the report shall be submitted not later than February 1, 2008; provided further, that notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home in fiscal year 2008 shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means and the joint committee on health care financing detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that these changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that funds shall be expended for the purpose of a housing with services demonstration project known as the ‘Caring Homes’ initiative designed to delay or prevent nursing home placement by providing care-giving services to an elder; provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office;

provided further, that notwithstanding any general or special law to the contrary, not less than \$5,000,000 shall be expended from this item for the purpose of providing an increase to \$72.80 per month in the personal needs allowance for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income; provided further, that no less than \$270,000 shall be expended for nursing facility pre-admission counseling for long-term care services, which shall include an assessment of community-based options; provided further, that in fiscal year 2008, the division of health care finance and policy shall adjust rates for providers of adult day health by no less than \$2,000,000 in the aggregate, which shall be above any previously authorized rate increase; provided further, that effective July 1, 2007 for the fiscal year ending June 30 2008, the division of health care finance and policy shall establish MassHealth nursing facility rates that result in payments to nursing facilities that are not less than \$80,000,000 above the payments made to said facilities in fiscal year 2007; provided further, that not later than October 1, 2007, the Office of Medicaid shall submit a Money Follows the Person Rebalancing Demonstration grant in accordance with section 6071 of the federal Deficit Reduction Act of 2005, P.L. 109-171, to assist individuals seeking to transition from institutions who wish to live in the community; and provided further, that the Office of Medicaid shall forward a copy of this application to the house and senate committee on ways and means, the house and senate chairpersons of the joint committee on elder affairs, and the house and senate chairpersons of the joint committee on health care financing; and provided further, that the executive office of elder affairs shall make no change in the reimbursement system or operations of adult day health programs as they relate to transportation of program participants, except that the executive office may grant periodic rate increases, as appropriate, for transportation services . . . . . \$2,053,753,985

4000-0640 For nursing facility Medicaid rates; provided, that notwithstanding any general or special law to the contrary, in fiscal year 2008 the division of health care finance and policy shall

establish nursing facility Medicaid rates that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002; provided further, that the division shall adjust per diem rates to reflect any reductions in Medicaid utilization; provided further, that the payments made pursuant to this line item shall be allocated in the following manner in fiscal year 2008: (1) effective July 1, 2007, an annual amount of \$99,000,000 in the aggregate to fund the use of 2000 base year cost information for rate determination purposes; provided, that not more than \$9,000,000 of this amount shall be expended for purposes of reimbursing nursing facilities for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence; (2) effective July 1, 2007, an annual amount of \$122,500,000 for enhanced payment rates to nursing homes; (3) effective July 1, 2007, an annual amount of \$50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes; provided further, that as a condition for such a rate add-on, the division shall require that each nursing home document to the division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates; provided further, that a facility's direct care staff shall include all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health, provided further, that the division shall credit wage increases that are over and above any previously collectively bargained wage increases; provided further, that in monitoring compliance for this rate add-on, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate

reductions imposed on or after October 1, 2002; provided further, that the expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services; provided further, that in implementing this section, the division shall consult with the Nursing Home Advisory Council; (4) effective July 1, 2007, an annual amount of \$16,450,000 (a) to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by the executive office, in consultation with the division, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes that meet utilization standards established by the executive office of health and human services in conjunction with the division for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents to non-institutional settings; provided further, that to the extent that the annual amount of \$16,450,000 in this clause is not fully allocated, the division shall first provide operating or capital rate adjustments for publicly operated, urban and geographically-isolated nursing homes; (5) \$300,000 for the purposes of an audit of funds distributed under clause (3); provided further, that the division, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (3), including but not limited to recoupment, assessment of fines or interest; provided further, that the division shall report to the house and senate committees on ways and means not later than October 1, 2007 a preliminary analysis of funds expended under this subsection in fiscal year 2007 and a description and timeline for auditing of these funds; (6) \$250,000 to fund expenses of the division related to the implementation and administration of section 25 of chapter 118G of the General Laws; and (7) an amount suffi-



cient to implement section 622 of chapter 151 of the acts of 1996; and provided further, that any additional funds that may become available through this item due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10) (a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes ..... \$288,500,000

4000-0700 For health care services provided to medical assistance recipients under the executive office’s health care indemnity/ third party liability plan and medical assistance recipients not otherwise covered under the executive office’s managed care or senior care plans, and for MassHealth benefits provided to children, adolescents and adults under clauses (a), (b), (c), (d) and (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that children who have aged out of the custody of the department of social services shall be eligible for benefits until they reach age 21; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors; provided further, that the executive office may reduce MassHealth premiums or copayments or offer other incentives to encourage enrollees to comply with wellness goals, the executive office shall report annually to the joint committee on health care financing and the house and senate ways and means on the number of enrollees who met at least 1 wellness goal, any reduction of copayments or premiums, and any other incentives provide because enrollees met wellness goals; provided further, that the executive office shall not, in the fiscal year 2008, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that funds

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	may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider; provided further, that the executive office shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means not later than March 1, 2008 detailing the activities described in the preceding proviso to be expended from this item during fiscal year 2008; and provided further, that not less than \$10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws	\$1,683,746,704
4000-0870	For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection (2) of section 9A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years	\$117,206,280
4000-0875	For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the executive office shall provide those benefits to women whose income, as determined by the executive office, does not exceed 250 per cent of the federal poverty level, subject to continued federal approval; provided further, that eligibility for the benefits shall be extended solely for the duration of the cancerous condition; provided further, that before the provision of any benefits covered by this item, the executive office shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1512 of section 2D; and provided further, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years	\$5,422,343

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4000-0880	For MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws as amended by chapter 58 of the acts of 2006 for children and adolescents whose family incomes as determined by the executive office are above 150 per cent of the federal poverty level; and provided further, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years . . . . .	\$137,978,838
4000-0890	For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws, as amended by chapter 58 of the acts of 2006 . . . . .	\$36,090,197
4000-0891	For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws; provided, that the executive office shall directly market the program to private human service providers that deliver human and social services under contract with departments within the executive office and the executive office of elder affairs for the purpose of mitigating health insurance costs to the employers and their employees; provided further, that the executive office of health and human services shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for the program, including the total number of employers participating in the program, the percentage of the employers who purchased health insurance for employees prior to participating in the program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, 2-person family and family subsidies; and provided further, that the executive office of health and human services shall seek federal reimbursement for the payments to employers . . . . .	\$5,490,312
4000-0895	For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 10E of chapter 118E of the General Laws; provided, that the executive office shall no later than February 14, 2008, report annually to the house and senate committees on ways and means on the population served by the program delineated by the federal poverty level;	

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	and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years .....	\$18,135,134
4000-0990	For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the executive office shall prescreen enrollees and applicants for Medicaid eligibility; provided further, that no applicant shall be enrolled in the program until the applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the executive office shall maximize federal reimbursements for state expenditures made on behalf of the children; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that the maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years .....	\$15,223,144
4000-1400	For the purposes of providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus with incomes up to 200 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to these persons in prior fiscal years .....	\$16,591,488
4000-1405	For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements established under the MassHealth program as established in section 9A of chapter 118E of the General Laws; provided further, that persons eligible under subsection	



(7) of section 16D of chapter 118E shall be also eligible to receive benefits under this item; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that the secretary is hereby authorized to limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided, however, that no such limitation shall be implemented unless the secretary has given 90 days notice to the house and senate committees on ways and means and the joint committee on health care financing; and provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years . . . . . \$251,837,625

4000-1420 For the purposes of making payment to the federal Centers for Medicare and Medicaid Services in compliance with Title XIX of the Social Security Act, as amended by the Medicare Prescription Drug Improvement and Modernization Act of 2003 . . . . . \$233,916,047

4003-0122 For a Citizenship for New Americans Program to assist legal permanent residents in the commonwealth in becoming citizens of the United States; provided, that the office for refugees and immigrants be charged with administering the program; provided further, that said program shall be provided through community-based organizations to the maximum extent possible as determined by the office for refugees and immigrants; provided further, that the program funded by this item provides assistance to persons who are within 3 years of eligibility to become citizens of the United States; and provided further, that services shall be designed to include: ESOL/civics classes, citizenship application assistance, interview preparation and support services such as interpretation and referral services . . . . . \$500,000

*Division of Health Care Finance and Policy.*

4100-0060 For the operation of the division and the administration of the un-

compensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2008, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2008 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the total expenses appropriated for the division in the health safety net office; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool or the health safety net fund to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the

executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means and the joint committee on health care financing; not later than December 6, 2007 a report detailing utilization of the uncompensated care pool; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the pool in fiscal year 2007; (2) the total dollar amount billed to the pool in fiscal year 2007; (3) the demographics of the population using the pool and (4) the types of services paid for out of the pool funds in fiscal year 2007; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging those individuals to the uncompensated care pool; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, the division shall prepare a report on the savings realized by the MassHealth Pharmacy Program, for the first 3 months of fiscal year 2008, as a result of the reimbursement rate reductions for multiple

source drugs for which upper limits have been set by the federal centers for Medicare and Medicaid services; provided further, that using said data, the division shall also estimate the program savings for fiscal year 2008; provided further, that the division shall forward a copy of this report to the secretary of administration and finance, and to the house and senate committees on ways and means no later than November 15, 2007; provided further the division, after consultation with the secretary and the chairpersons of the ways and means committees, may adjust pharmacy dispensing fees for multiple source prescription drugs to compensate for any reduction as a result of the upper limits implemented under the Deficit Reduction Act of 2005; and provided further, that the division shall submit to the house and senate committees on way and mean and the joint committee on health care financing, not later than December 6, 2007, a report detailing rate or other payment appeals submitted to the division by skilled nursing facilities and rest homes including: (1) the initial date of appeal, (2) the amount of payment in dispute, (3) the status of each appeal, and (4) the commonwealth's response and date issued ..... \$13,979,008

*Massachusetts Commission for the Blind.*

- 4110-0001 For the office of the commissioner; provided, that the commissioner may transfer funds between items 4110-0001, 4110-1000, 4110-1010, 4110-1020, 4110-2000, 4110-2001, 4110-3010 and 4110-4000; provided further, that the amount transferred from any of the items stated in this item shall not exceed 5 per cent of the total amount appropriated for that item; provided further, that 30 days before any such transfer, the commissioner shall submit an allocation plan detailing the distribution of the funds to be transferred to the house and senate committees on ways and means; and provided further, that amounts appropriated to the commission in fiscal year 2008 that extend or expand services beyond the level of services provided in fiscal year 2007 shall not annualize above those amounts in fiscal year 2009 ..... \$1,121,558
- 4110-1000 For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of



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	hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$450,000 shall be expended for the deaf-blind community access network; and provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth .....	\$4,367,118
4110-1010	For aid to the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal year .....	\$8,351,643
4110-1020	For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the executive office of health and human services, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients .....	\$329,438
4110-2000	For the turning 22 program of the commission; provided, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services .....	\$9,908,799
4110-2001	For services to clients of the department who turn 22 years of age during state fiscal year 2008; provided, that the amount spent from this item shall not annualize to more than \$330,000 in fiscal year 2009; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services .....	\$175,000
4110-3010	For a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally re-	

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	imbursed state employees; and provided further, that \$154,000 shall be expended on the Carroll Center for the Blind .....	\$3,030,179
4110-4000	For the administration of the Ferguson Industries for the Blind; provided, that retired workshop employees shall receive grants equal to 3/4 of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund .....	\$1,902,202

*Massachusetts Rehabilitation Commission.*

4120-1000	For the operation of the commission; provided, that the commissioner may transfer funds between items 4120-1000, 4120-2000, 4120-3000, 4120-4000, 4120-4001, 4120-4010, 4120-5000, and 4120-6000; provided further, that the amount transferred from any of the items stated in this item shall not exceed 5 per cent of the total amount appropriated for that item; provided further, that 30 days before any such transfer, the commissioner shall submit an allocation plan to the house and senate committees on ways and means detailing the distribution of the funds to be transferred; provided further, that amounts appropriated to the commission that extend or expand services beyond the level of services provided in fiscal year 2008 shall not annualize above those amounts in fiscal year 2009; provided further, that the commissioner shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the number of clients served and the amount expended on each type of service; provided further, that upon the written request of the commissioner of revenue, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; and provided further, that the lists shall include client names and social security numbers and payee names and other identification, if different from a client's .....	\$586,400
4120-2000	For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the	

	federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to the residence; provided further, that not less than \$100,000 shall be expended on special vocational projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston . . . . .	\$8,047,949
4120-3000	For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for the Charlestown Navy Yard project for disabled adults in the Charlestown neighborhood of Boston . . . . .	\$8,381,622
4120-4000	For independent living assistance service; provided further, that \$3,840,000 shall be expended for the independent living centers contracted with the commission; provided, that not less than \$949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that not less than \$200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth; provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and provided further, that not less than \$25,000 shall be expended on Living Independently for Equality, Inc. of Brockton for the operation of participants to meet other physically challenged individuals and take part in a number of therapeutic activities . . . . .	\$11,401,483
4120-4001	For the housing registry for the disabled . . . . .	\$88,889
4120-4010	For services to clients of the department who turn 22 years of age; provided, that the amount appropriated in this item shall	

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not annualize to more than \$1,513,272 in state fiscal year 2009 .....	\$764,242
4120-5000 For homemaking services .....	\$5,977,594
4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services; provided further, that the commission shall expend funds on a 24-hour basis for persons with severe head injuries in western Massachusetts; provided further, that not less than \$100,000 shall be expended for the Cape Cod head injury program; and provided further, that not less than \$75,000 shall be expended on the Keeping Every Youth Safe program at the Massachusetts Brain Injury Association .....	\$10,017,606
<i>Massachusetts Commission for the Deaf and Hard of Hearing.</i>	
4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing .....	\$5,669,885
4125-0102 For the costs associated with the provision of interpreter services for the deaf and hard of hearing at state house public hearings and events .....	\$12,120

**OFFICE OF DISABILITIES AND COMMUNITY SERVICES.**

*Soldiers' Home in Massachusetts.*

4180-0100 For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that graduates from the LPN school of nursing shall work in state-operated facilities for at least 1 year; provided further, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2007; and provided further, that no new fee, assessment or other charge shall be implemented in fiscal year 2008 .....	\$26,042,788
4180-1100 The Soldiers' Home in Massachusetts may expend not more than \$300,661 in revenues for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible vet-	



erans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued ..... \$300,661

*Soldiers' Home in Holyoke.*

4190-0100 For the maintenance and operation of the Soldiers' Home in Holyoke, including the adult day care program, the Maguder House and the Chapin Mansion; provided, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2007; provided further, that no new fee, assessment or other charge shall be implemented in fiscal year 2008 except those associated with the use of telephones and televisions; and provided further, that in the operation of the outpatient pharmacy, the Soldiers' Home shall cover the cost of drugs prescribed at the Soldiers' Home, excluding the required co-payment, only when the veteran has no access to other drug insurance coverage, including coverage through the program authorized by section 39 of chapter 19A of the General Laws ..... \$19,734,318

4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$225,000 from co-payments which it may charge to users of the program; provided, that no co-payments shall be imposed or required of any person which exceed the level of co-payments charged in fiscal year 2007; provided further, that no funds appropriated in this item shall be expended until the superintendent has submitted a report to the secretary and the house and senate committees on ways and means detailing projected expenditures for fiscal years 2008 and 2009 and any and all assumptions used to project outpatient pharmacy spending for

the outpatient pharmacy program from this item and item 4190-0100 by September 1, 2007; provided further, that said superintendent shall submit a report to said secretary and the house and senate committees on ways and means that shall include, but not be limited to, demographic information on said outpatient pharmacy users, including age and insurance status, utilization information for the outpatient pharmacy, including the number of generic prescriptions filled, the number of brand name prescriptions filled, the number of 30-day supplies of generic drugs dispensed, the number of 30-day supplies of brand name drugs dispensed, and a description of said Soldiers' Home's drug utilization review program for the first 2 quarters of fiscal year 2008; provided further, that said report shall be submitted not later than January 16, 2008; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$225,000

4190-0200 The Soldiers' Home in Holyoke may expend not more than \$25,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said services . . . . . \$25,000

4190-1100 The Soldiers' Home in Holyoke may expend not more than \$200,442 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt

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of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued . . . . . \$200,442

*Department of Youth Services.*

- 4200-0010 For the administration of the department of youth services; provided, that the department shall continue to collaborate with the department of education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; provided further, that the department shall continue to execute its education funding initiative; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on progress made and projected needs in fiscal years 2008 and 2009, to the house and senate committees on ways and means by December 1, 2007; and provided further, that the department shall expend not more than \$300,000 on the juvenile case management system . . . . . \$5,546,687
- 4200-0100 For supervision, counseling and other community-based services provided to committed youths in nonresidential care programs of the department; provided, that not less than \$300,000 shall be expended to provide career services to youth in the department's care; provided further, that funding shall be expended for the restoration of the Northeast Region; provided further, that not less than \$400,000 shall be expended for the Boston juvenile re-entry program; provided further, that the commissioner may transfer up to 7 per cent of the amount appropriated in this item to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . . . . \$22,427,193
- 4200-0200 For pretrial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner

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	may transfer up to 7 per cent of the amount appropriated herein to items 4200-0100 and 4200-0300; and provided further, that 30 days before any transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . . . .	\$24,729,751
4200-0300	For secure facilities, including purchase-of-service and state-operated programs incidental to the operations of the facilities; provided, that funds shall be expended for programs to address the needs of the female population including, but not limited to, the development of a stabilization unit and an independent living program, the enhancement of clinical services and at least 1 full-time female services coordinator; provided further, that funds shall be expended to address suicide prevention including, but not limited to, increased clinical capacity, increased clinical staff for risk assessment at intake, improved medication administration, enhanced psychiatric coverage at facilities, and the assurance of a 24-hour area-based oncall staff; provided further, that not less than \$600,000 shall be expended on vocational training in order to reduce recidivism; provided further, that the commissioner may transfer up to 5 per cent of the amount appropriated in this item to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . .	\$104,349,895
4200-0500	For the department of youth services' education system; provided, that not less than \$2,550,000 shall be expended for the annualization of enhanced salaries of teachers . . . . .	\$3,300,000

**OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.**  
*Department of Transitional Assistance.*

4400-1000 For the central administration of the department; provided, that during fiscal year 2008 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item;



provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, and public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that under 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E of the General Laws; provided further, that if assistance under said chapter 118 is denied, the application shall be transmitted by the department to the executive office of health and human services for a determination of eligibility under said chapter 118E; provided further, that the department shall continue policies to increase participation in the food stamp program; provided further, that the department may allocate funds, not to exceed \$2,500,000 from this item to item 4400-1100 for the costs of the depart-

ment's caseworkers; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall, to the extent feasible within the appropriation provided, continue and expand the program of placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2007 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided and that the department will provide in the current fiscal year; provided further, that not less than \$900,000 shall be expended for the operation of the homeless management information system; provided further, that during fiscal year 2008 the department shall submit quarterly to the house and senate committees on ways and means a status report detailing the specific number of shelters participating by month, the types and descriptions of information reports able to be generated, and any other information that the department determines to be necessary in evaluating the full and complete implementation of the system; and provided further, that the report shall also detail all expenditures by subject classification . . . . . \$68,057,840

4400-1001 For programs to increase the commonwealth's participation rate in food stamps and other federal nutrition programs; provided, that not less than \$1,500,000 shall be expended for a grant with Project Bread-The Walk for Hunger, Inc. which shall be solely responsible for administering a comprehensive, community-based program to alleviate and prevent hunger and to expand participation in federal nutrition programs; provided further, that Project Bread shall focus on communities in Massachusetts with the highest rates of hunger as defined by the United States Census Bureau; provided further, that Project Bread shall develop a strategic

plan to alleviate hunger; provided further, that Project Bread shall support research relative to the prevention and effect of hunger; provided further, that Project Bread shall file a report with the clerk of the house of representatives, the clerk of the senate, the president of the senate, the speaker of the house, the chairpersons of the joint committee on education, the chairpersons of the joint committee on children and families, the chairpersons of the joint committee on public health, commissioner of the department of transitional assistance, and the chairpersons of the house and senate committees on ways and means not later than March 1, 2008 detailing hunger prevention strategies that have been developed and implemented, including, but not limited to, an evaluation of the strategies; provided further, that Project Bread shall file with the clerk of the house of representatives and the clerk of the senate an annual report on the status of hunger in the commonwealth not later than December 1, 2007; provided further, that the department shall fund a unit staffed by department employees to respond to food stamp inquiries, and arrange for and conduct telephone interviews for initial food stamp applications from this item; provided further, that the department shall fund a system to image and catalogue eligibility documents electronically from this item; provided further, that not less than \$350,000 shall be expended for food stamp outreach; provided further, that not less than \$250,000 shall be expended for the Food Source Hotline; provided further, that the work of department employees paid for from this item shall be restricted to processing food stamp applications; provided further, that the department shall not require food stamp applicants to provide re-verification of eligibility factors previously verified and not subject to change; provided further, that, notwithstanding any general or special law to the contrary, the department shall require only 1 signature from food stamp applicants; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 1, 2007 on the status of these programs . . . . . \$2,631,112

4400-1025 For domestic violence specialists at local area offices . . . . .	\$691,536
4400-1100 For the payroll of the department’s caseworkers; provided, that only employees of bargaining unit eight shall be paid from this item . . . . .	\$56,693,172

4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children; provided, that certain parents who have not yet reached the age of 18, including those who are ineligible for transitional aid to families with dependent children and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that funds from this item may be expended on former recipients of the program for up to 1 year after termination of their benefits due to employment or subsection (f) of section 110 of chapter 5 of the acts of 1995 or any successor statute; provided further, that funds from this item shall be expended for the purposes of the young parents program, transportation costs, pre-employment skills training and education programs, and structured subsidized employment services; provided further, that the department of transitional assistance may use funds from this item and shall collaborate with the department of workforce development to access funding through Title I of the federal Workforce Investment Act to ensure that sufficient resources are available to provide substantive, pre-employment skills training, including training that integrates basic education and English as a second language instruction, to recipients of transitional aid to families with dependent children who are in need of such services; provided further, that funds from this item may also be expended for re-employment services, job search assistance, vocational training services, job retention services, adult basic education, graduate equivalency degree courses, English as a second language courses and training programs for persons with limited English proficiency, and emergency work-related expenses for recipients, including emergency transportation costs; provided further, that the department shall inform all recipients and applicants of the full range of programs and of skills training programs funded by Title I of the federal Workforce Investment Act accessible through the one-stop career centers and adult education programs funded by the department of education available under this program; provided further, that funds may be allocated from this item to other agencies for the purposes of this program; provided



	further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English who is subject to said subsection (f) of said section 110 of said chapter 5, or any successor statute, becoming eligible for benefits, the department shall offer to the recipient a skills assessment to identify barriers to employment; and provided further, that in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item . . . . .	\$27,162,289
4401-1100	For the department of transitional assistance; provided, that the department may expend not more than \$7,000,000 from federal bonuses and from reimbursements received from the United States Department of Agriculture for food stamp employment and training programs as provided in section 2A of chapter 18 of the General Laws; provided further, that up to \$5,000,000 of revenue received for services provided by or under contract with state agencies or from bonuses shall be expended on additional services for recipients of transitional aid to families with dependent children; and provided further, that up to \$2,000,000 shall be expended for additional services provided by non-state agencies as identified in subsection (e) of said section 2A . . . . .	\$7,000,000
4403-2000	For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2007; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2008, pursuant to the state plan required under the	

Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5, or any successor statute; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2007; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2007; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification bene-

fits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits at the time of application and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits and post-transitional benefits; provided further, that the department shall work with the department of early education and care to ensure that both recipients currently receiving benefits and former recipients during the 1 year period after termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that all recipients of transitional aid to families with dependent children shall be screened for food stamp eligibility at the time of application; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families; provided further, that not less than \$418,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by Traveler's Aid Family Services; and provided further, that not less than \$150,000 shall be expended for the Lift Transportation program operated by Traveler's Aid Family Services . . . . . \$274,470,212

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4403-2119	For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995, or any successor statute, for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program . . . . .	\$6,876,067
4403-2120	For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at	



the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that not less than \$25,000 shall be expended for education, advocacy and case management services by Casa Latina, located in the City of Northampton; provided further, that not less than \$100,000 shall be expended for a contract with the St. Francis Samaritan House in Taunton; provided further, that not less than \$100,000 shall be expended for Playspace programs operated by Horizons for Homeless Children in family shelters; provided further, that not less than \$200,000 shall be expended for Our Fathers House in Fitchburg; provided further, that not less than \$50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth and social welfare; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall

take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that housing assistance programs that received funding in fiscal year 2007 shall receive funding in fiscal year 2008; provided further, that funds shall be expended for homelessness prevention services and screenings conducted at community health centers; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the emergency assistance family shelter program; provided further, that the report shall contain the same data required in this item in chapter 139 of the acts of 2006; and provided further, that not less than \$179,381 shall be obligated for the Crossroads Family Shelter in East Boston . . . . . \$83,121,534

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the executive office of health and human services, may fund an optional supplemental living arrangement category under

the supplemental security income program that makes payments to persons living in assisted living residences certified under chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and the office; provided further, that the optional category of payments shall only be administered in conjunction with the Medicaid group adult foster care benefit; and provided further, that reimbursements to providers for services rendered in prior fiscal years may be expended from this item . . . . . \$212,028,336

4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search and limited related services to the homeless and indigent; provided further, that no organization providing services to the homeless shall receive less than an average per bed/per night rate of \$12.92; provided further, that the department may allocate funds to other agencies for the purposes of this program; provided further, that organizations which received funding in fiscal year 2007, including funds received in item 1599-1005 in chapter 42 of the acts of 2007, shall receive at least the same amount in fiscal year 2008, and that organizations which received funds through this item in fiscal year 2007 shall receive not less than that same percentage share of this appropriation in fiscal year 2008; provided further, that no funds may be expended for costs associated with the homeless management information system; and provided further, that funds appropriated to this item from item 1599-6901 shall be calculated and distributed separately from any additional rate increase provided. . . . . \$35,939,936

4406-3010 For a grant to the Home and Healthy for Good pilot program operated by the Massachusetts Housing and Shelter Alliance for the purpose of reducing the incidence of chronic homelessness in the commonwealth; provided, that the Massachusetts Housing and Shelter Alliance shall be solely responsible for the administration of this program; provided further, that the Massachusetts Housing and Shelter Alliance shall file a report with the clerks of the house and senate, the commissioner of the department of transitional assistance, and the chairpersons of the house and senate committees on ways

	and means no later than March 1, 2008, detailing the implementation of this program; and provided further, that the report shall include information on the number of people served, the average cost per participant, the demographics of those served, whether participants have previously received government services and any projected cost-savings in other state-funded programs . . . . .	\$1,200,000
4408-1000	For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under chapter 118 and under the separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility	



shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; and provided further, that, notwithstanding any general or special law to the contrary, 60 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of

the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes ..... \$69,919,542

OFFICE OF HEALTH SERVICES.

*Department of Public Health.*

- 4510-0099 The department may expend not more than \$6,000,000 in revenues collected from licensing, inspections and records for costs associated with the administration of the department . . . \$6,000,000
- 4510-0100 For the operation of the department, the determination of need program, established under section 25C of chapter 111 of the General Laws, the health statistics program, including the operation of a cancer registry and occupational lung disease registry, and the continuation of the cardiac surgery data collection and validation program to collect and validate data from all hospitals in the commonwealth that perform open heart surgery; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; and provided further, that state or federal funding for school-based abstinence education shall be used only in conjunction with the teaching of comprehensive sexuality education ..... \$17,090,934
- 4510-0106 For the end of life care commission, established by section 480 of chapter 159 of the acts of 2000; provided, that not more than \$100,000 shall be expended from revenues associated with grant and development activities ..... \$100,000
- 4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$250,000 shall be expended for the Cape Cod Free Clinic; provided further, that not less than \$150,000 shall be expended for the Duffy Health Center; provided further, that \$40,000 shall be expended for the Dismas House at the Worcester county house of correction; provided further, that \$300,000 shall be expended for medical respite services provided by the Boston Health Care for the Homeless program; provided further, that \$1,000,000 shall be expended for the managed care program

at community health centers known as CenterCare; provided further, that of the \$1,000,000, no funds shall be expended in the AA object class for any personnel-related costs; provided further, that \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254c(f)(1); provided further, that not less than \$125,000 shall be expended for Merrimack Valley Hospice Home Care; and provided further, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding . . . . . \$7,289,253

4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 111F of the General Laws the “Right-to-Know” law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that not less than \$75,000 shall be expended for a comprehensive study on lyme disease; provided further, that \$150,000 shall be expended for the completion of the comprehensive study of the exposure routes and patterns of contaminants in the Maple Meadowbrook Aquifer migrating to and affecting the Wilmington drinking water supply and the study of incidents of childhood cancer in the town of Wilmington; provided further, that not less than \$107,500 shall be expended for the Silent Spring Institute to complete the household exposure study; provided further, that not less than \$500,000 shall be expended to hire additional food and air quality inspectors to rectify the inadequacies reported by the state auditor in March 2007; provided further, that not more

than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings, together with any recommended response actions by the commonwealth, to the house and senate committees on ways and means not later than February 1, 2008; provided further, that the department shall file a report with the house and senate ways and means committees, the joint committee on public health, and the joint committee on health care financing, on the status of local health inspections of food establishments, consistent with the department of public health food safety regulations and a report on the current waiting list for indoor air inspections by October 1, 2007; and provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radio-active waste facility in the commonwealth . . . \$3,996,868

4510-0615 The department may expend not more than \$150,000 from assessments collected under section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend not more than \$1,374,195 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the Nuclear Regulatory Commission; provided further, that the revenues may be used for the costs of both programs, including the compensation of employees; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller



	may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$1,524,195
4510-0616	The department may not expend more than \$601,110 for a drug registration and monitoring program from revenues collected from fees charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists for controlled substance registration; provided, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$601,110
4510-0710	For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that the division shall track and report the number and type of dementia or Alzheimer's special care units in each facility; provided further, that the department shall provide quarterly reports of its findings to the house and senate committees on ways and means; provided further, that the division shall coordinate its work with the board of registration in medicine and the various other boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error and the ways in which coordination	

promotes quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment and misappropriation are investigated, and that the department shall investigate complaints during evening and weekend hours, as needed, to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities shall be completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under section 72H of chapter 111 of the General Laws, indicating for each such report the time in which the division: (1) completed its investigation; (2) made an evaluation and determination of the validity of the report; and (3) made a referral of such report to the appropriate agency; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefore; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefore and in each quarter shall compare the overtime expenditures from

this item with the overtime expenditures made in the corresponding quarter of fiscal year 2007; provided further, that the division shall continue to research and develop, in consultation with the nursing home industry and consumer representatives, appropriate confidential survey tools to assess consumer satisfaction in long-term care facilities; provided further, that the division shall continue a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality caregiving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; provided further, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation; provided further, that the department shall report to the house and senate committees on ways and means on the results of the program not later than April 30, 2008; and provided further, that \$40,000 shall be expended for Bedside Advocates, Inc. for the development of a pilot project focused on transitional care for geriatric patients transitioning to their homes from acute care hospitals . . . . . \$8,401,687

4510-0712 For the department of public health; provided, that the department may expend not more than \$504,922 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department may expend not more than \$800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . . \$1,304,922

4510-0720 For a scholarship program for certified nurses' aide and direct

care worker training; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds shall also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses' aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item . . . . . \$250,000

4510-0721 For the costs of personnel, administration, information technology, equipment, newsletters and other essential spending of the board of registration in nursing; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of these cases, the approximate number of cases assigned to each investigator and any increases or decreases



in cases referred to the board in the previous 6 months; provided further, that the board shall submit the report to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid errors; and provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health by January 4, 2008, and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth . . . . . \$1,651,178

4510-0722 For the costs of personnel, administration, newsletters, dues, travel, public information advertising, and other expenses of the board of registration in pharmacy; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of these cases, the approximate number of cases assigned to each investigator and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit the report to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; and provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health by January 4, 2008, and shall make the compilation widely available, including by electronic means,

	to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth . . . . .	\$512,705
4510-0723	For the operation and administration of the board of registration in medicine and the committee on acupuncture; provided, that the board of registration in medicine shall prepare an annual report addressing its activities with respect to licensing, enforcement, law and policy, patient safety and other relevant topics, including, but not limited to, the total number of cases referred to and reviewed by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, any increases or decreases in cases referred to the board in the previous 6 months, a compilation of cases from its patient care assessment program describing incidents involving preventable medical error that resulted in harm to patient or health care provider for the purpose of assisting the providers, hospitals and pharmacies to modify their practices and techniques to avoid error and any other relevant topics; provided further, that the board shall submit the report to the general court, house and senate committees on ways and means and the joint committee on health care financing and the joint committee on public health by January 4, 2008, and shall make the compilation widely available, including by electronic means, to the public; and provided further, that the board shall promulgate rules and regulations to coordinate their patient care assessment program with the boards of registration in nursing and pharmacy . . . . .	\$2,545,496
4510-0725	For the costs of personnel, administration, public information advertising and other expenses of certain health boards of registration, including the boards of registration in dentistry, nursing home administrators, physician assistants, perfusionists and respiratory care . . . . .	\$446,226
4510-0726	For the board of registration in medicine, including the physician profiles program; provided, that the board may expend revenues not to exceed \$300,000 from new revenues associated with increased license and renewal fees . . . . .	\$300,000
4510-0790	For regional emergency medical services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as	

of January 1, 1992, shall remain the designated councils and C-MEDs; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by the inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefore; and provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis . . . . . \$1,246,896

4510-0810 For a statewide sexual assault nurse examiner program and pediatric sexual assault nurse examiner program for the care of victims of sexual assault; provided, that the program shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners; and provided further, that funds shall be expended for a contract with the Massachusetts Children’s Alliance to support children’s advocacy centers in the commonwealth . . . \$3,610,111

4512-0103 For acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that no funds shall be transferred into the AA object class; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups afflicted by HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided further, that the department may contract for the administration of this program; provided further, that the costs of such administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expend-

	ed for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2008 that would fund units in excess of the number of units funded on June 30, 2007; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2008	
	.....	\$36,941,316
4512-0106	For the department of public health; provided, that the department may expend not more than \$1,900,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program administered by the federal health resources and services administration and office of drug pricing	\$1,900,000
4512-0200	For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$750,350 shall be expended for a contract with STEP, Inc., for sobriety treatment, education and prevention; provided further, that \$500,000 shall be expended for an opiate education and counseling competitive grant program in Suffolk county; provided further, that not less than \$3,000,000 shall be expended for the establishment of 60 community-based beds in locked-down, non-correctional settings for men who have been civilly committed to a substance abuse treatment program pursuant to section 35 of chapter 123 of the General Laws; provided further, that not less than \$1,500,000 shall be expended for three Sobriety High Schools; provided further, that not less than \$1,149,750 shall be expended to Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and for an adjoining female adolescent residential facility for substance abuse and rehabilitation services, totaling 28 beds, located in the South Boston section of the city of Boston; provided further, that not less than \$833,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions; provided further, that not	



less than \$500,000 shall be provided to the Essex county district attorney to continue to develop a pilot program for non-violent offenders in a non-correctional locked down substance abuse treatment facility; provided further that not less than \$250,000 shall be expended for the restoration of 24-hour services at the Albany St. Shelter operated by the Cambridge and Somerville program for Drug and Alcohol Rehabilitation; provided further, that said offenders agree to enter said treatment facility, complete treatment and pay restitution for any crimes committed, on the condition that their arraignment be held in abeyance; provided further, that other district attorneys may utilize said program upon mutual agreement of all parties; provided further, that not less than \$400,000 shall be provided to the Boston municipal court to fund treatment coordinators for the drug court program to treat nonviolent, substance-abusing offenders; provided further, that not less than \$400,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at Woburn District Court; provided further that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus; provided further, that not less than \$319,500 shall be expended for a contract with Gavin Foundation, Inc., to provide a Total Immersion program in conjunction with the probation departments of the South Boston division of the district court, the Somerville division of the district court, the Hingham division of the district court, the Brighton division of the district court, and other district courts and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion program; provided further, that the Gavin Foundation shall be contracted to provide the Total Immersion programs described in this item; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that not less than \$250,000 shall be expended for the New Beginnings program; provided further, that not less than \$158,000 shall be expended for the Haitian Multi-Service Center in the Dorchester section of the city of Boston; provided further, that not less than \$225,000 shall be expended for the operation of the Barnstable Action

for New Directions (BAND) program facilitated by the Gosnold Society of Cape Cod Inc., in conjunction with the Barnstable district court and the Cape and Islands district attorney; provided further, that not less than \$200,000 shall be expended for the Link House, Inc., in the town of Salisbury, for purposes of establishing transitional housing for women in recovery from substance abuse; provided further, that \$200,000 shall be expended for the Massachusetts Interscholastic Athletic Association's substance abuse program; provided further, that not less than \$100,000 shall be expended for a contract with Bay Cove Human Services, Inc., for the purposes of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc., for persons in recovery from alcoholism and chemical dependency; provided further, that not less than \$155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston; provided further, that not less than \$2,000,000 shall be expended for six regional recovery support centers; provided further, that there shall be a recovery support center in each region; provided further, that \$150,000 shall be expended for the Hampden county Residential Program For Women; provided further, that not less than \$150,000 shall be expended to the Berkshire County Youth Development Project for youth intervention services; provided further, that \$150,000 shall be expended for the Northern Educational Services, Inc., in Springfield, to operate the Youth Zone Program; provided further, that not less than \$125,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training programs; provided further, that not less than \$100,000 shall be expended for the Springfield Public Health Department for drug prevention outreach and education; provided further, that not less than \$100,000 shall be expended on the Russian Teens-at-Risk program operated by the Jewish Family Children's Service in the cities of Boston and Lynn and the town of Brookline; provided further,

that not less than \$100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; provided further, that not less than \$100,000 shall be expended for the North End Community Health Center in Boston; provided further, that not less than \$90,000 shall expended for Franklin Medical Center's Beacon Recovery Program at the Orange Recovery House; provided further, that not less than \$75,000 shall be provided to Second Step, Inc. in the city of Newton for the provision of substance abuse prevention and education programs to the survivors of domestic violence and their children; provided further, that \$75,000 shall be expended to continue an Opiate Abuse Prevention and Intervention Program for Youth in the city of Melrose; provided further, that not less than \$75,000 shall be expended for the Tynan Community Centers Adolescence Wellness Program in the South Boston section of the city of Boston; provided further, that not less than \$60,000 shall be provided to Project Cope, Inc., in Lynn for the prevention and education of the problems associated with Oxycontin and heroine use; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims' family support services and anti-violence advocacy programs; provided further, that not less than \$50,000 shall be expended for teens through programs provided by the Ashland Recreational Department; provided further, that not less than \$145,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol Abuse; provided further, that not less than \$1,500,000 shall be expended for maintaining the substance abuse and mental health pilot programs in houses of correction in Hampden county, Norfolk county, Middlesex county and Barnstable county; provided further, that 1 counselor shall continue to be assigned for every 200 inmates within each facility; and provided further, that said pilot programs shall continue to report bi-annually upon the progress of the program and the rate of recidivism to the joint chairpersons of the mental health and substance abuse committee and to the chairpersons of the house and senate committee on ways and means; provided further, that not less than \$50,000 shall be expended for the Exodus Outreach Recovery

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	Program; provided further, that not less than \$100,000 shall be expended for the operation of Learn-to-Cope, a support group providing parents and families with children addicted to OxyContin and heroin with substance abuse recovery treatment resources and emotional support; and provided further, that not less than \$70,000 shall be expended for the Adolescent Education program of the South Boston Neighborhood House in the South Boston section of the city of Boston .....	\$77,811,216
4512-0201	For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that the department shall submit quarterly to the house and senate committees on ways and means a report on the number of individuals served by the step-down recovery services program .....	\$5,000,000
4512-0225	The department of public health may expend not more than \$1,000,000 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller shall transfer the amount to the General Fund .....	\$1,000,000
4512-0500	For dental health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that, of the amount appropriated in this item, funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that not less than \$122,000 shall be allotted to the Taunton Oral Health Clinic in the city of Taunton for the basic dental needs of moderate and low-income residents of southeastern Massachusetts; provided further, that the department shall submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program; provided further, that not less than \$90,000 shall be expended	



to Harbor Health Services, Inc. for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults throughout Cape Cod; and provided further, that not less than \$750,000 shall be expended for the Forsyth Institute's Center for Children's Oral Health to fund a school-based demonstration project to offer preventative oral health care to children in high need areas including Boston, Lynn, and the Cape and Islands . . . . . \$2,618,150

4513-1000 For the operation of the bureau of family health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$350,000 be expended for the operations of the Regional Poison Control Center; provided further, that not less than \$5,600,000 shall be provided for comprehensive family planning services, including HIV counseling and testing, community-based health education and outreach services, provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children; provided further, that not less than \$350,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than \$150,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston; provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning; provided further, that \$450,000 shall be expended for the Massachusetts Birth Defects Monitoring Program; provided further, that not less than \$50,000 shall be expended for the Molly Bish Institute for Child Safety at Mount Wachusett Community College; provided further, that not less than \$25,000 shall be expended for Leanne's Dream Foundation in East Boston; provided further, that not less than \$120,000 shall be expended for the North End Outreach Network of Springfield; provided further, that \$200,000 shall be expended for an elder health and outreach program in Saugus; provided further, that \$10,000 shall be expended for the Cancer House of Hope in the city of Westfield; provided further, that not less than \$35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its

	unique bilingual AIDS education; provided further, that \$25,000 shall be expended for regional respite, counseling and holistic therapy services offered by the Cancer Connection, located in the City of Northampton; and provided further, that not less than \$100,000 shall be expended for the Massachusetts Sudden Infant Death Center at Boston Medical Center .....	\$7,206,716
4513-1002	For women, infants and children's (WIC) nutrition services in addition to funds received under the federal nutrition program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that all new WIC cases, in excess of fiscal year 1991 caseload levels, shall be served in accordance with priority categories 1 through 7, as defined by the state WIC program; and provided further, that not less than \$680,000 shall be expended for the Growth and Nutrition Program .....	\$13,327,092
4513-1010	For the department of public health; provided, that said department may expend not more than \$4,500,000 in revenue received from the collection of federal financial participation for early intervention services delivered to Medicaid-eligible children by developmental educators and professionals in related disciplines; provided further, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded in this item; and provided further, that the revenue may be used to pay for current and prior year claims .....	\$4,500,000
4513-1012	The department of public health may expend not more than \$22,000,000 from revenues received from the federal cost-containment initiatives including, but not limited to, infant formula rebates and Northeast Dairy Compact reimbursements; provided that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate as reported in the state accounting system .....	\$22,000,000
4513-1020	For the early intervention program; provided, that no funds shall be expended in the AA object class for any personnel-related	

costs; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the executive office of health and human services and third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by the program and the amount of funds appropriated in this item granted to qualified families not later than February 1, 2008; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; provided further, that nothing stated in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item; provided further, that funds from this item may be expended for a rate increase; and provided further, that not less than \$1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention programs . . . . . \$38,237,286

4513-1023 For the costs associated with the implementation of the universal newborn hearing program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that the funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department's receipt of

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	data indicative of potential hearing disorders in newborns . . . . .	\$83,060
4513-1024	For the operation of a comprehensive, state-wide shaken baby syndrome prevention program including community-based, hospital-based and statewide activities; provided, that services funded through this line item shall include, but not be limited to, education, training, intervention, support, surveillance and evaluation . . . . .	\$350,000
4513-1026	For the provision of statewide and community-based suicide prevention, intervention, postvention, and surveillance activities and the implementation of a statewide suicide prevention plan; provided further, that funds shall be expended for the costs of a collaborative study with the Geriatric Mental Health Services program within the department of elder affairs for the purpose of creating a program to address elder suicide behavior and attempts; provided further, that funds shall be expended to establish a Veterans in Crisis Hotline; and provided further, that the hotline shall be for the use of veterans who seek counseling programs operated by the department of veterans affairs and/or concerned family members of those veterans so that they may be directed towards the programs and services offered by their local or regional VA office; and provided further, that the hotline shall be staffed by counselors or outreach programs contracted by the department and trained in issues of mental health counseling and veterans services . . .	\$3,750,000
4513-1111	For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention, diabetes screening and outreach, ovarian cancer screening, a statewide STOP stroke program, the Hepatitis C program, multiple sclerosis screening, information, education, treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society, a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont, colorectal cancer prevention, prostate cancer screening, education and treatment with a particular focus on African American Males, the operation of the Betsy Lehman Center for patient safety, osteoporosis education, Lyme disease prevention and research activities to be conducted by	



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the Barnstable County Department of Health and Environment, the maintenance of the ALS Registry created by section 26 of chapter 140 of the acts of 2003 and the maintenance of the statewide lupus database; provided, that the department shall expend not less than the same amount available in each item in fiscal year 2007; provided further, that not less than \$250,000 shall be expended for the program established pursuant to section 4E of chapter 111 of the General Laws to combat mental retardation in children suffering from a genetic effect causing phenylketonuria; and provided further, that the \$250,000 shall be appropriated for the commonwealth's metabolic disorder clinic programs for patient education and support or for such other purposes as deemed necessary by the clinic programs; provided further, that sites for Hepatitis C services shall be distributed throughout the commonwealth so as to ensure coverage in all geographic regions, including currently underserved areas proximate to Cape Ann, Fitchburg, Leominster and Pittsfield and provided further, that any expansions necessary to achieve geographically appropriate coverage shall build upon existing local programs with proven experience in addressing Hepatitis C ..... \$14,169,012

4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and domestic violence services for legal immigrants and refugees and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that not less than \$250,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community; and provided further, that not less than \$20,000 shall be expended for a Spanish speaking Battered Women's Hotline provided by Delamano, a Lawrence-based domestic violence support organization ..... \$3,866,677

4516-0263 For the department of public health; provided, that said department may expend not more than \$1,486,551 in revenues from various blood lead testing fees collected from insurers and individuals for the purpose of conducting such tests; provided,

that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefor, as reported in the state accounting system . . . . . \$1,486,551

4516-1000 For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in the prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; provided further, that funds from this item may be expended for the purchase of equipment for the drug laboratory at the state laboratory institute; provided further, that not less than \$240,000 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health, providing assistance to cities, towns and the public and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures and the rapid laboratory diagnostic services; provided further, that of the \$240,000, not less than \$150,000 shall be expended for the continuation of the Oral Rabies Vaccine Project on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention; and provided further, that funds from this item may be expended for the purpose of an interagency service agreement with the University of Massachusetts Medical School for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute . . . . . \$15,050,499

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- 4516-1022 For the department of public health; provided, that the department may expend not more than \$300,000 generated by fees collected from insurers for tuberculosis tests performed at the state laboratory institute; provided, that revenues collected may be used to supplement the costs of said laboratory; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate, as reported in the state accounting system ..... \$300,000
- 4518-0200 The department may expend not more than \$400,000 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, requests for vital records not issued in person at the registry and research requests performed by registry staff at the registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; provided further, that the registral of vital records shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility for Medicaid; and provided further, that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate, as reported in the state accounting system ..... \$400,000
- 4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency purchases of designated services identified by the community service plans; provided further, that funding shall be expended on those communities with the highest teen birth rates according to an annual statistical estimate conducted by the department; provided further, that

funds shall be expended on programming directed at children under the care of the department of social services who are at high risk for teenage pregnancy; provided further, that the department shall collaborate with the department of social services on the development of this programming; provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2008 on the progress and implementation schedule of this programming; provided further, that \$100,000 shall be expended for teen pregnancy prevention services in the town of Orange; provided further, that not less than \$250,000 shall be expended for teen pregnancy prevention programs in the cities of North Adams and Pittsfield; provided further, that of said \$250,000 not less than \$125,000 shall be expended for said program in the city of Pittsfield; provided further, that not less than \$150,000 shall be expended for Berkshire Coalition to Prevent Teenage Pregnancy in the Berkshire region; provided further, that of said \$150,000, not more than 10% can be used for administrative services; provided further, that \$50,000 shall be expended for teen pregnancy prevention programs in the town of Southbridge; provided further, that the department shall contract directly with vendors of teenage pregnancy prevention services; and provided further, that not less than \$15,000 shall be provided to Girls, Inc., of Lynn for teen pregnancy prevention . . . . . \$4,031,131

4570-1502 For the purposes of implementing a proactive statewide infection prevention and control program; provided, that notwithstanding any general or special law to the contrary, the department of public health shall, through its division of health care quality, develop a proactive statewide infection prevention and control program in licensed health care facilities following protocols of the Centers for Disease Control for the purposes of implementation and adherence to infection control practices that are the keys to preventing the transmission of infectious diseases, including respiratory diseases spread by droplet or airborne routes; provided further, that recommended infection control practices shall include, but not be limited to, hand hygiene, standard precautions and transmission-based precautions, including contact, droplet and



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	airborne, and respiratory hygiene; and provided further, that the infection prevention and control program shall include mandatory education in the recommended infection control practices for licensed health care personnel and employees of licensed health care facilities and penalties for individual and institutional noncompliance with Centers for Disease Control protocols . . . . .	\$1,000,000
4580-1000	For the universal immunization program and the purchase and distribution of the pneumococcal conjugate vaccine; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that no funds appropriated in this item shall be expended for administrative or energy expenses of the department not directly related to programs funded in this item; provided further, that the rotavirus and meningococcal conjugate vaccines shall be funded through this item; and provided further, that the department shall conduct a comprehensive study of the human papilloma virus vaccines that are currently available and potential cost saving alternatives such as generics . . . . .	\$48,771,508
4590-0250	For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers; (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (4) incorporating obesity prevention programs, including nutrition and wellness programs, in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than \$350,000	

shall be expended for the commission on gay and lesbian youth; provided further, that not less than \$100,000 shall be expended for the H.E.L.P. program so-called, for black male health; provided further, that not less than \$15,000,000 shall be expended for school nurses and school-based health centers; provided further, that \$150,000 shall be expended for the Childhood Obesity School Nutrition Pilot Project within the department of public health to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers, working with public schools, wishing to institute or maintain a school nutrition program designed to reduce childhood obesity, may submit an application to the department of public health indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed \$10,000 per school per year; provided further, that eligible programs shall focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further, that 1 or more schools may be included in an application; and provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department; and provided further, that not less than \$200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of 4 model community coalitions and community-capacity-building activities . . . . . \$16,748,474

4590-0300 For smoking prevention and cessation programs; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs . . . . . \$12,750,000

4590-0912 The department may expend an amount not to exceed \$16,007,368 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital-related costs, including personnel, capital expenditures, DD object class charge-backs and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding any general or

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special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the executive office of health and human services; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary for administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item . . . . . \$16,007,368

4590-0913 For the Lemuel Shattuck hospital in the department; provided, that the hospital shall not expend more than \$500,000 in revenues collected from private medical vendors for the purposes of funding expenses for services provided to inmates of county correctional facilities which have privatized medical care; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$500,000

4590-0915 For the maintenance and operation of Tewksbury hospital, Massachusetts hospital school, Lemuel Shattuck hospital and the hospital bureau, including the state office of pharmacy services; provided, that all revenue generated by the hospitals shall be credited to the General Fund; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not

directly related to personnel or programs funded in this item; provided further, that Tewksbury hospital shall not be used to house county, state or other prisoners; provided further, that the department shall take no action to reduce or realign the client population and services at Tewksbury hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at Tewksbury hospital shall be consistent with the client population and service realignment; provided further, that \$241,743 shall be made available for the fourth of 6 annual TELP payments for a CT scanner procured for Lemuel Shattuck hospital; provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B; and provided further, that, notwithstanding any general or special law to the contrary, the department shall seek to obtain federal financial participation for care provided to inmates of the department of correction and of county correctional facilities who are treated at the public health hospitals . . . . \$135,205,883

4590-0917 For the department of public health; provided, that the department may expend an amount not to exceed \$4,000,000 from payments received from the vendor managing health services for state correctional facilities for inmate medical services provided by the Lemuel Shattuck hospital; provided, that the payments may include capitation payments, fee for service payments, advance payments and other compensation arrangements established by contract between the vendor and the hospital; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . . \$4,000,000

4590-1503 For the pediatric palliative care program established in section 24K of chapter 111 of the General Laws . . . . . \$800,000

4590-1506 For a grant program to be administered by the department of public health to support the establishment of a comprehensive



youth violence prevention program; provided, that the commissioner of public health shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) serve communities that have been identified by the department as being high risk communities for youth violence; (2) demonstrate multi-disciplinary collaboration, including youth serving community organizations, state agencies, local law enforcement, medical and public health professionals, and faith-based organizations; (3) utilize a youth development framework that includes addressing out-of-school time activities, mentoring, leadership training, employment readiness training, conflict resolution, education support, family support services and financial literacy; (4) provide positive programming during, but not limited to, the hours of 2 pm and 10 pm; and (5) demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities; provided further, that no grants shall be awarded to law enforcement agencies; provided further, that funds shall be considered one-time and grants shall not annualize in fiscal year 2009; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grant funds shall be expended on food or beverages; provided further, that the department of public health shall publish guidelines and an application for the grant program not later than September 1, 2007; provided further, that awards shall be made to applicants not later than December 1, 2007; provided further, that the department of public health shall report to the house and senate committees on ways and means detailing the grant amount awarded to each recipient and a description of each grant; and provided further, that each grant recipient shall provide the department of public health with a comprehensive list of best practices that have been instituted as a result of these grants ..... \$2,000,000

**OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.**  
*Department of Social Services.*

4800-0015 For central and area office administration; provided, that the as-

sociated expenses of employees whose AA object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist the latter department in making such assessments and recommendations; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department shall expend not less than \$1,000,000 in the AA or CC object codes to hire medical and psychiatric staff to collaborate with the department's social workers; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department of social services and the department of early education and care shall design and implement standards for early education and care placements made through the supportive child care program; provided further, that the department of social services, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that not later than February 17 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the chairs of the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or contracted with the department; provided further, that the report shall in-

clude the number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall contain the number of the department's contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have a bachelors' or masters' degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure by level; provided further, that the comptroller shall act in accordance with item 1000-0001 if the report, with all of its components, is not filed within 10 days of the stated due date; provided further, that the department shall file a report on the first business day of each month to the chairs of the senate and house committees on ways and means and the chairs of the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children on the waitlist for supportive child care and the number of medical and psychiatric consultation requests made by the department's social workers; provided further, that the report shall include the number of approved foster care placements; provided further, that the report shall also include the number of children in psychiatric hospitals and Community Based Acute Treatment Programs who remain hospitalized beyond their medically-necessary stay while awaiting placement and the number of days each case remains in placement beyond that which is medically necessary; provided further, that the report shall include the number of children under department of social services care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation

centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that the report shall detail the number of children diverted from residential settings, the programs in which they were placed, the associated cost savings from the diversion and any other measurements that would help assess the success of these programs in promoting the health and well-being of children; provided further, that the commissioner of the department of social services may transfer funds between items 4800-0030, 4800-0038, and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2008 ..... \$78,030,738

4800-0016 The department of social services may expend for the operation of the transitional employment program an amount not to exceed \$2,000,000 from revenues collected from various state, county and municipal government entities, as well as state authorities, for the costs related to the provision of services by the participants and the overhead costs and expenses incurred by the not-for-profit managing agent selected by the commissioner for administering the program; and provided further, that notwithstanding any general or special law to the contrary, the commissioner of social services may enter into a contract with Roca, Inc., a not for profit community based agency, to manage the transitional employment program and to provide services to participants from the ageing out population, parolees, probationers, youth



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	service releases, or other community residents considered to have employment needs . . . . .	\$2,000,000
4800-0025	For foster care review services . . . . .	\$2,865,695
4800-0030	For local and regional administration and coordination of services provided by lead agencies and regional resource centers; provided, that flex services provided by these agencies shall be funded from this item . . . . .	\$20,931,487
4800-0036	For a sexual abuse intervention network program to be administered in conjunction with the district attorneys; provided, that each district attorney shall receive not less than the amount it received in the previous fiscal year for the sexual abuse intervention program . . . . .	\$739,182
4800-0038	For stabilization, unification, reunification, permanency, adoption, guardianship and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2006, shall receive a clothing benefit in fiscal year 2008; provided further, that not less than \$2,300,000 shall be expended for the Young Parent Support Program; provided further, that not less than \$500,000 shall be expended on the recruitment and retention of foster parents; provided further, that not less than \$498,850 shall be expended for Latinas y Ninos and Casa Esperanza; provided further, that not less than \$300,000 shall be expended for Massachusetts Families for Kids; provided further, that not less than \$300,000 shall be expended for Summerhill House in Norwood; provided further, that not less than \$300,000 shall be expended for a	

statewide contract with Northeastern University for violence prevention and conflict resolution program; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not less than \$257,000 shall be expended for the Laboure Center in South Boston; provided further, that not less than \$250,000 shall be expended for the operation of a juvenile firesetters program to be operated by the Massachusetts Coalition for Juvenile Firesetters Intervention Programs; provided further, that not less than \$200,000 shall be expended to support the family center component of the Greater Lowell Family Resource Center; provided further, that not less than \$187,500 shall be expended for the Center for Family Connections to provide therapeutic and rehabilitative mental health services, targeted research on well-being outcomes and permanency planning for older, hard-to-place youth and those aging out of the system; provided further, that \$187,000 shall be expended for the operation of the Bristol County clinic advocacy center; provided further, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning program in the South Boston section of the city of Boston; provided further, that not less than \$150,000 shall be expended in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not less than \$140,000 shall be expended for the MSPCC Franklin County Supervised Visitation Program; provided further, that not less than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for maintaining and expanding its year-round school based programs in Boston high schools, middle schools, pilot schools and small schools education complexes for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; provided further, that not less than \$130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that not less than \$125,000 shall be expended for North End Outreach Network of Springfield; provided further, that not less than \$125,000 shall be expended for the South End Community Center of Springfield, Inc.; provided further, that not less than

\$125,000 shall be expended for a family re-unification program operated by Aid to Incarcerated Mothers to maintain strong parent-child relationships during a mother's incarceration; provided further, that not less than \$104,123 shall be expended on the Teen Parenting program at Framingham High School; provided further, that not less than \$100,000 shall be expended for the Dunbar Community Center in the city of Springfield; provided further, that not less than \$100,000 shall be expended for the Families Untied for Teens' Health; provided further, that not less than \$60,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board; provided further, that not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing program in the city of Lynn; provided further, that not less than \$50,000 shall be expended for Family Service, Inc. of Lawrence; provided further, that \$50,000 shall be expended for youth services at the youth center in Uxbridge; provided further, that not less than \$45,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that not less than \$25,000 shall be expended for Centro Presente of Cambridge; provided further, that not less than \$25,000 shall be expended for the Concilio Hispano in Somerville; provided further, that not less than \$20,000 shall be expended for the Massachusetts Association of Portuguese Speakers of Cambridge; provided further, that not less than \$20,000 shall be expended for the Haitian Coalition of Somerville; and provided further, that not less than \$15,000 shall be expended for a contract with child and family services of Cape Cod for the court diversion program . . . . . \$293,662,736

4800-0041 For group care services; provided, that funds may be expended from this item to provide intensive community-based services to children who would otherwise be placed in residential settings; provided, that the department shall form area review teams that shall evaluate the feasibility of maintaining the child in the community in this manner wherever possible before recommending placement in a residential setting . . . . \$228,236,983

- 4800-0091 The department of social services may expend not more than \$3,000,000 in federal reimbursements received under Title IV-E of the Social Security Act during fiscal year 2008 for the purposes of developing a training institute for professional development of social workers at the department of social services with the University of Massachusetts Medical School and Salem State College; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$3,000,000 shall be credited to the General Fund; and provided further, that no funds shall be expended from this item for lease-purchases or the Family-Net system ..... \$3,000,000
- 4800-0151 For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youths up to the age of 17 in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974; provided, that the programs which provide the alternative non-secure placements shall collaborate with the appropriate county sheriff's office to provide referrals of those offenders and delinquent youths to any programs within the sheriff's office designed to positively influence youths or reduce, if not altogether eliminate, juvenile crime; provided further, that the department of social services shall file a report detailing the number of children in need of services as defined in section 21 of chapter 119 of the General Laws, for whom a parent or legal guardian, police officer or supervisor of attendance appointed pursuant to section 19 of chapter 76 of the General Laws seeks assistance; provided further, that the department of social services shall compile this report in collaboration with the juvenile court, the department of probation, the department of mental health, the department of youth services, the department of education and the executive office



of health and human services; provided further, that the review shall contain information on the demographics of the population of children served, the contacts a child has with executive of judicial agencies and departments, the service needs identified for each child, recidivism rates and the outcome of individual cases; provided further, that information identifying individual persons shall not be included in this report; and provided further, that the department of social services in collaboration with those agencies, shall report its findings to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children and families no later than October 12, 2007 ..... \$319,171

4800-1100 For the AA object class costs of the department’s social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 18 to 1 statewide; provided further, that only employees of bargaining unit 8 as identified in the Massachusetts personnel administrative reporting and information system shall be paid from this item; and provided further, that any other payroll or administrative expenses associated with the management or support of such employees shall be paid from item 4800-0015 ..... \$147,289,334

4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs, certified batterer intervention programs for indigent batterers and their families, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for

substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; provided further, that domestic violence prevention specialists shall be funded from this item; provided further, that not less than \$1,037,000 shall be expended for the YWCA battered Women's shelter in the city of Springfield; provided further, that not less than \$100,000 shall be expended for a contract Sylvia's Haven at Devens to provide transitional housing to pregnant and parenting women and girls; provided further, that not less than \$100,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden and Medford; provided further, that not less than \$90,000 shall be expended for the Western Mass Women's Initiative Survivor's Project; provided further, that not less than \$60,000 shall be expended for the Planned Learning Achievement for Youth program in Amherst, in collaboration with the department of education, through an interagency service agreement; provided further, that not less than \$15,000 shall be expended for the Words not Weapons mentoring project in the town of Saugus; provided further, that not less than \$10,000 shall be expended for the Southern Hilltown Domestic Violence Coalition; and provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence; and provided further, that not less than \$10,000 shall be expended for the Wakefield Alliance Against Violence . . . . . \$23,019,767

**OFFICE OF HEALTH SERVICES.**

*Department of Mental Health.*

5011-0100 For the operation of the department; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether the child or adolescent is appropriate for foster care or, due to severe emotional disturbance, is more appropriate for group care; and provided further, that notwithstanding any general or special law to the

	contrary, the department of mental health shall report annually to the house and senate committees on ways and means on civil commitments .....	\$40,141,898
5042-5000	For child and adolescent services, including the costs of psychiatric and related services provided to children and adolescents determined to be medically ready for discharge from acute hospital units or mental health facilities and who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding those services, the commissioner of mental health may allocate funds from the amount appropriated in this item to other departments within the executive office of health and human services; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than January 18, 2008 on the results of the collaboration between the department and the other departments within the executive office of health and human services; provided further, that the report shall detail the current status of the implementation of clinically appropriate service models for that population of children and adolescents, remaining disparities in the service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings and changes during fiscal years 2006 and 2007 in the clinical acuity of children and adolescents; provided further, that the department shall submit to the house and senate committees on ways and means not later than November 17, 2007 a report detailing the implementation of the settlement agreement, dated August 29, 2006, and entered into by the parties of Rosie D. et al V. Romney, civil action No. 01-30199-MAP, filed in the United States District Court in order to provide community based services to children suffering from severe emotional disturbances, that shall include a schedule detailing the commencement of services and cost to implement the settlement by service type; provided further, that said report shall detail the impact on the number of residential placements provided for in item 5095-0015; provided further, that not less than \$1,800,000 shall be expended from this item in fiscal year 2008 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health	

	services are delivered by public or private providers of those services; and provided further, that not less than \$2,500,000 shall be expended for the Child Psychiatric Access project . .	\$73,530,647
5046-0000	For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that not more than \$8,999,768 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population and the types of services received in each region for fiscal year 2008 not later than February 1, 2008; provided further, that not less than \$3,314,796 shall be expended on the expansion of housing for the homeless mentally ill; provided further, that \$50,000 shall be expended for Mass Citizens Advocacy; provided further, that not less than \$75,000 shall be expended for the Fairwinds Clubhouse in Falmouth; provided further, that not less than \$1,900,000 shall be expended on mental health research; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham; provided further, that not less than \$300,000 shall be expended for a pre-arrest jail diversion grant program at the Department of Mental Health for five (5) programs, but not more than \$300,000 shall be expended for the continuation of said programs; and provided further, that not less than \$100,000 shall be expended on the Trauma Center at Riverside Community Care . . . . .	\$315,563,248
5046-2000	For homelessness services; provided, that not less than \$90,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc. located in the city of Lynn . . . . .	\$22,384,507



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5046-4000	For the department of mental health; provided, that the department may expend not more than \$125,000 in revenue collected from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program authorized by chapter 167 of the acts of 1987; provided, that all fees collected under that program shall be expended for the routine maintenance and repair of facilities in the CHOICE program including the costs of personnel .....	\$125,000
5047-0001	For emergency service programs and acute inpatient mental health care services; provided, that the department shall continue an interagency service agreement with the executive office of health and human services for the purchase of services and for such other services as the agreement may provide including, but not limited to, acute inpatient care and diversionary services; provided further, that the most recent savings projection from the implementation of the agreement may be expended for community services in the MM object class of this item; and provided further, that the emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by the programs .....	\$36,159,118
5055-0000	For forensic services provided by the department; provided, that funds shall be expended to sustain and expand services provided through juvenile court clinics .....	\$8,018,911
5095-0015	For the operation of adult inpatient facilities, including the community mental health centers; provided, that in order to comply with the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care;	

provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities; and provided further, that the Department of Mental Health shall notify the joint committee on mental health and substance abuse and the house and senate committees on ways and means 60 days prior to the closure of any inpatient state hospital beds . . . . \$171,483,524

*Department of Mental Retardation.*

5911-1003 For the administration and operations of the department of mental retardation; provided that the department shall not charge user fees for transportation or community day services; and provided further, that the department shall not charge fees for eligibility determination for services provided by the department or for applications of requests for transfer of guardianship; provided further, that notwithstanding any general or special law to the contrary, in fiscal year 2008 the comptroller shall transfer from the Department of Mental Retardation Trust Fund established under section 2RRR of chapter 29 of the General Laws an amount sufficient to reflect the costs of the assessment on public facilities collected under section 27 of chapter 118G of the General Laws and an amount sufficient to fund rate increases for services provided to MassHealth members by nonpublic intermediate care facilities and community-based residences provided further, the comptroller shall transfer the federal financial participation received as a result of expenditures funded by the assessments to an account established for the department of mental retardation to administer for the purposes described above; provided further, that the assessments shall not be collected and the expenditures shall not be authorized until the department of mental retardation and the executive office

of health and human services certify the receipt of federal approval of any home and community-based waiver amendments and related Title XIX state plan amendments, if required; provided further, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer; and provided further, that not less than \$30,000 shall be allocated to Whole Children, Inc. of Hadley	
.....	\$72,092,896
5911-2000 For transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department .....	\$14,137,324
5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$12,365,262 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2007 pursuant to item 5920-5000 of section 2 of chapter 139 of the acts of 2006; provided further, that \$8,250,000 shall be expended for the fiscal year 2007 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called and \$5,000,000 shall be expended for the fiscal year 2008 cost of the settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2008; provided further, that not less than \$100,000 shall be allocated for Special Olympics for the purpose of unified sports; provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts; provided further, that not less than \$100,000 shall be expended for services to the developmentally disabled provided by Grow Associates, Inc.; and provided further, that not less than \$50,000 shall be expended for the Advocacy Resource Center in New Bedford	

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	to provide critical family support services in the area of community-based resident education for special needs children .....	\$547,807,631
5920-2006	For the implementation of a residential rate initiative; provided, that the department shall submit a report to the house and senate committees on ways and means not later than January 18, 2008, detailing the use of such funds to establish a rate system for vendor-operated residential services .....	\$2,000,000
5920-2010	For state-operated community-based residential services for adults, including community-based health services for adults; provided, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item .....	\$130,964,744
5920-2020	For compliance with the terms of the settlement agreement, dated December 19, 2000, and entered into by the parties in Boulet v. Cellucci, Civil Action No. 99-CV-10617-DPW, filed in the United States District Court of Massachusetts in order to provide services to the clients of the department on the waiting list on July 14, 2000 .....	\$87,812,812
5920-2025	For community-based day and work programs for adults and for \$3,532,932 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2007 under item 5920-5000 of section 2 of chapter 139 of the acts of 2006; provided, that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown neighborhood of the city of Boston .....	\$122,669,711
5920-3000	For respite services and intensive family supports and for \$1,766,466 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2007 pursuant to item 5920-5000 of section 2 of chapter 139 of the acts of 2006; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services; and provided further, that not less than \$50,000 shall be expended for the Friendship Home project in Norwell .....	\$55,044,228
5920-3010	For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than \$2,000,000 shall be expended for the purposes of providing services under the children's autism Medicaid waiver application submitted pursuant to chapter 107 of the acts of 2005; provided further, that	



at a minimum, this waiver shall include children with autism spectrum disorder ages 0 to 8, inclusive, including children with autism spectrum disorder ages 0 to 3, inclusive, receiving services through the department of public health's early intervention program; provided further, that the income eligibility for the waiver shall not be any lower than MassHealth standard income eligibility for children to the extent feasible, and in the event that it is not feasible, the department shall provide the house and senate committees on ways and means and the joint committee on education not later than March 1, 2008, with projected steps and a timetable for ensuring that as soon as possible income eligibility for the waiver is not lower than MassHealth Standard income eligibility for children; provided further, that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to such waiver; provided further, that the department shall immediately file any waiver amendments necessary to comport with the requirements of this item with the Centers for Medicare and Medicaid Services; provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on education on the number of contracted support services provided for families with autistic children under this item and the costs associated with such services, not later than March 1, 2008; provided further, that the department shall submit copies of the amended waiver to the house and senate committees on ways and means and the joint committees on education not later than December 31, 2007; provided further, that not less than \$200,000 shall be expended for the purposes of a contract with Melmark New England, Inc. to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; and provided further, that not less than \$75,000 shall be expended for the Youth Enhanced Services Non-Profit . . . . . \$3,277,672

5920-5000 For services to clients of the department who turn 22 years of age during state fiscal year 2008; provided, that the amount appropriated under this item shall not annualize to more than

	\$17,664,660 in fiscal year 2009; provided further, that the department shall report to the house and senate committees on ways and means not later than January 2, 2008 on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region . . . . .	\$7,700,000
5930-1000	For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin Regional Center; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close intermittent care facilities for the mentally retarded, in this item called 'ICF/MRs', managed by the department and shall endeavor, within available resources, to discharge clients residing in the ICF/MRs to residential services in the community if the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in ICF/MRs; provided further, that any client transferred to another ICF/MR as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed ICF/MR; provided further, that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative, including both past actions and proposed future actions; provided further, that the department may allocate funds from this item to items 5920-2000, 5920-2010, and 5920-2025, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at ICF/MRs; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item . . . . .	\$182,759,388

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5982-1000 For the department of mental retardation; provided, that the department may expend not more than \$150,000 accrued through the sale of milk and other farm-related and forestry products at the Templeton Developmental Center for program costs of the center, including supplies, equipment and maintenance of the facility; provided, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system ..... \$150,000

EXECUTIVE OFFICE OF TRANSPORTATION.

*Office of the Secretary.*

6000-0100 For the office of the secretary of transportation; provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the

reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation, in collaboration with the commissioner of highways, shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means not later than June 30; provided further, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that the office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that the reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0002 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate the information for full-time employees, part-time employees and



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	contracted personnel; and provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements . . . . .	\$4,989,990
	Highway Fund . . . . .	100.0%
6000-0110	For the purpose of property management and maintenance of railroad properties owned by the executive office of transportation on behalf of the commonwealth, including the cost of personnel; provided, that the office may expend an amount not to exceed \$27,344 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws . . . . .	\$27,344
6000-0200	For the inter-district transportation program; provided, that such program shall include maintenance and expansion on routes serviced through the inter-district transportation program in fiscal year 2007; provided further, in fiscal year 2008, the level of service shall remain the same as fiscal year 2007; provided, that the program shall be administered by the executive office of transportation; provided further, that the executive office of transportation shall negotiate an extension of all existing contracts for fiscal year 2008; provided further, that before the execution of the extensions and at the end of fiscal year 2008, the executive office shall request and each contractor shall provide all necessary books, materials, records and other compilations of data from each contractor to establish the appropriate state subsidy associated with each bus route; and provided further, that the compilations of data shall be made available to the senate and house committees on ways and means and the joint committee on transportation not later than December 15, 2007 . . . . .	\$2,000,000
6005-0015	For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2007 and ending June 30, 2008, may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161, and	

section 23 of chapter 161B of the General Laws, the amount shall be at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2007 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon the cities and towns shall be at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which the cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2008 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2007; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999, in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that the new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of the new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides the new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with the new service; provided further, that the cost of the new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2008, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided under item 4401-1000; provided

further, that the executive office of transportation shall work cooperatively with the authorities and other public and private funding sources to maximize new revenues sources to expand transit services; provided further, that the authorities and the executive office of transportation shall develop processes and procedures for contracts for services with other state agencies; provided further, that the executive office of transportation and the authorities shall develop a 5-year transit plan for operational and capital objectives that the parties may measure against and plan toward and shall file the plan with the house and senate committees on ways and means not later than April 1, 2008; provided further, that the executive office of transportation and the authorities shall work cooperatively to implement multi-year contracting for regional transit authority capital projects, particularly for construction projects and other multi-year commitments of the authorities; provided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by the authorities; provided further, that the reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short and long-term service, a coordinated program of mass transportation for the regional transit authorities that provides standards of service for the authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options including, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that the program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fare and/or revenue recovery ratio of 40 per cent within 18 months from the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall, on or before November 15, 2007, report to the joint committee on transportation and the house and senate committees on ways

and means on the operations of the authorities in the first half of fiscal year 2008 and focus the report on the reforms and improvements . . . . . \$52,254,572

General Fund . . . . .	80.0%
Highway Fund . . . . .	20.0%

*Massachusetts Aeronautics Commission.*

6006-0003 For the administration of the commission, including the expenses of the commissioners . . . . .	\$462,992
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*Department of Highways.*

6010-0001 For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object code; provided further, that notwithstanding any general or special law to the contrary, the department may expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department and for all administrative and personnel expenses of the department charged to such bonds; provided further, that the reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to section 36A of chapter 30



of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the to the secretary of transportation for approval requests to repair such vehicles costing in excess of the limit set forth in said section 7; provided further, that the costs of routine highway maintenance provided by private and union workers in contract areas 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B and 5C and for costs associated with police services and overtime within such areas shall be paid from this item; provided further, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in such areas; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials and vehicle repairs ..... \$16,863,815

Highway Fund ..... 100.0%  
6010-0002 For AA object class payroll costs of item 6010-0001; provided, that the funds appropriated in this item shall be the only source of funding for all overtime expenses associated with the department's snow and ice control efforts; provided further, that the department shall develop a plan that, by June 30, 2010, shall phase into the budgetary appropriation all personnel costs transferred to capital authorizations since June 30, 2002 ..... \$18,456,859

6010-0003 For the department of highways; provided, that the department may expend revenues collected up to \$7,000,000 from revenue generated from promotional programs; provided, that funds collected shall be used for the management of that program and for highway maintenance costs; provided further, that the department shall prepare a report delineating the proposed allocation of funds to be expended for the management of such program and highway maintenance costs; provided further, that the report shall be filed with the house and senate committees on ways and means not later than 30 days prior to any encumbrance of the funds; and provided further, that the program and any expenditures made under the program shall comply with all statutes, rules and regulations

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governing billboards, signs and other outdoor advertising devices .....	\$7,000,000
Highway Fund .....	100.0%
6030-7201 For the costs of hired and leased equipment, vehicle repair, fuel costs and sand, salt and other control chemicals used for snow and ice control .....	\$20,000,000

*Board of Library Commissioners.*

7000-9101 For the operation of the board of library commissioners .....	\$1,028,000
7000-9401 For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it considers proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston public library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to \$1.15 per resident in the commonwealth; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2008 distribution of funds appropriated in this item, the board of library commissioners shall employ population figures used to calculate the fiscal year 2007 distribution .....	\$16,230,361
7000-9402 For the talking book library at the Worcester public library .....	\$415,000
7000-9406 For the Braille and talking book library at Watertown, including the operation of the machine lending agency; provided, that not less than \$50,000 shall be expended for the National Federation of the Blind Newsline Program .....	\$2,203,997
7000-9501 For state aid to public libraries; provided, that notwithstanding any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of the city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding any general or special law to the contrary, the	

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board of library commissioners may grant no more than 55 additional waivers in excess of the waiver limit set forth in the second paragraph of section 19A of chapter 78 of the General Laws in fiscal year 2008 for a period of not more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which this item exceeds the amount appropriated in chapter 194 of the acts of 1998, funds shall be distributed under the guidelines of the municipal equalization grant program and under the guidelines for the library incentive grant program; and provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public library of that city or town without appropriation, notwithstanding any general or special law to the contrary . . . . . \$9,489,844

7000-9506 For the technology and automated resource sharing networks . . . \$2,851,000

7000-9507 For the purposes of implementing a public library matching incentive grant program; provided, that a \$.50 state match shall be made for each \$1 that local trustees and public library foundations raise; provided further, that eligible state matching funds shall be made available to municipalities that raise at least \$2,000 and only up to \$100,000 raised; and provided further, that funds from this item shall be made available to the local public library trustees for the enhancement of library services and shall not be used as part of the local match for an approved public library project as defined in section 19H of chapter 78 of the General Laws or to meet the appropriation requirement as defined in section 19A of said chapter 78 . . . . . \$250,000

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.**

7002-0100 For the operation of the executive office of labor and workforce development, including the divisions under the control of the department; provided, that not later than January 4, 2008, the director of workforce development shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been provided during the

course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services . . . . \$1,335,362

*Department of Labor.*

- 7002-0200 For the operation of the division of occupational safety; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings; and provided further, that funds shall be expended from this item for the GG object class costs of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission and the division of occupational safety . . . . . \$2,343,326
- 7002-0201 For the division of occupational safety, provided, that the division may expend an amount not to exceed \$152,850 received from fees authorized under section 3A of chapter 23 of the General Laws . . . . . \$152,850
- 7002-0500 For the operation and administrative expenses of the division of industrial accidents; provided, that not less than \$800,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 1, 2008 to the house and senate committees on ways and means detailing the scope, objective and results of grant recipients' safety training program; provided further, that the General Fund shall be reimbursed the amount appropriated in this item and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chapter 152 of the General Laws; provided further, that the division shall assign a judge to hear cases in Berkshire county not less than once a month; and provided further, that the treasurer may release to the division, subject to adequate and appropriate documentation of the need, to the workers' compensation advisory council and the affirmative vote of at least 7 members of the workers' compensation advisory council, sufficient funds from the special reserve account established in clause (c) of subsection (4) of said section 65 of said chapter 152 to pay for expenses to continue expansion of the conversion of the agency's computer system from unify to oracle . . . . . \$20,735,488



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7002-0600	For the operation of the labor relations commission . . . . .	\$953,535
7002-0700	For the operation of the joint labor management committee for municipal police and fire . . . . .	\$538,126
7002-0800	For the operation of the board of conciliation and arbitration . . . . .	\$791,583

*Department of Workforce Development.*

7002-0012	For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas of the commonwealth; provided that these funds may be expended for the development and implementation of a year-round employment program for at-risk youth as well as existing year-round employment programs; provided, that not less than \$100,000 shall be expended for an at-risk juvenile program at the Boys and Girls Club of The Lower Merrimack Valley in Salisbury; provided further, that \$500,000 of these funds shall be matched by private organizations; and provided further, that funds shall be available for expenditure through September 1, 2008 . . . . .	\$6,700,000
7002-0101	For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the deputy director shall require each apprentice entering into a written agreement to submit an application to the division for an apprentice identification card; provided further, that an apprentice identification card shall contain the photograph of the apprentice, the apprentice registration number or another number that the deputy director requires, the name and business address of the appropriate apprenticeship committee or single employee sponsor, the steps of progression and related dates applicable to the apprentice and the projected date on which the apprentice is to complete the apprenticeship; provided further, that as a condition of his apprenticeship, the apprentice shall keep the apprentice identification card on his person during his hours of employment during the apprenticeship; provided further, that an apprentice performing work on a project or projects subject to this item shall maintain in his possession an apprentice identification card; provided further, that any apprentice who is determined by the deputy director to be not enrolled in related	

	classroom instruction classes shall be paid at the journey level rate for the duration of the public works project; and provided further, that for every week in which an apprentice is employed by a contractor, subcontractor or public body subject to this section, a photocopy of the apprentice's apprentice identification card, shall be attached to the records submitted under this item . . . . .	\$465,489
7003-0604	For the career ladder grant program in long-term care established under section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the grants may include training for English for speakers of other languages and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training; provided further, that the length of such grants shall not exceed 3 years; provided further, that notwithstanding section 410 of chapter 159 of the acts of 2000, grants may be awarded on a competitive basis to long-term care labor management workforce partnerships, nursing homes, home care organizations or consortiums of nursing homes and/or home care organizations; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on such grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount appropriated in this item; and provided further, that each grant may include funding for technical assistance and evaluation . . . . .	\$1,500,000
7003-0605	For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to	

	assist small and mid-sized manufacturing companies; provided, that \$75,000 shall be made available for the Regional Employment Board of Hampden County for a pilot program for precision machining training .....	\$975,000
7003-0701	For grants and technical assistance administered by the department of workforce development, under section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that the department of workforce development shall provide a report on the grants and technical assistance programs authorized in this item detailing the firms receiving grants, by number of employees, revenues, and industry, to the house and senate ways and means committee by January 15, 2008; provided further, that the report shall include specific measures of how grant recipients were able to increase job growth, retention rates, and productivity as a result of the grants; provided further, that the report shall include measures of whether training participants received promotions and increased incomes as a result of training; and provided further, that the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training .....	\$21,000,000
	Workforce Training Fund .....	100.0%
7003-0702	For grants to be administered by the department of workforce development; provided, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that not less than \$750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance; provided further, that not less than \$500,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$500,000 shall be expended for the Jackson-Appleton-Middlesex plan in the City of Lowell; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by	

the Urban League of Massachusetts; provided further, that not less than \$400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than \$300,000 shall be expended for Radius Specialty Hospital; provided further, that not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further, that not less than \$350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that not less than \$250,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed; provided further, that not less than \$250,000 shall be expended for the Charles E. Shannon Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$250,000 shall be expended to the New England Farm Workers Council; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business, and said grant shall require a 200 per cent match from the private sector; provided further, that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$250,000 shall be expended for the 495/Metrowest Corridor Partnership; provided further, that not less than \$250,000 shall be expended for a health center skilled training program on the Lower and Outer Cape Cod; provided further, that not less than \$200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that \$200,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct



an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$200,000 shall be expended for the Western Massachusetts Enterprise fund; provided further, that not less than \$200,000 shall be expended for the Women's Career Mentoring Program operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and Crittenton Women's Union Woman to Woman Program; provided further, that not less than \$215,000 shall be expended for rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be provided to Lazarus House for the continued operation of a job training program; provided further, that not less than \$150,000 shall be expended for the Latino After-School Initiative (LASI) Youth Development Project; provided further, that not less than \$150,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that not less than \$150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the City of Worcester; provided further, that not less than \$150,000 shall be expended for the International Institute to provide long-term case management and employment training for highly skilled legal immigrants; provided further, that not less than \$139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$125,000 shall be expended for the 1199 SEIU Training and Upgrading Fund to provide a job training initiative for participating health care institution; provided further, that not less than \$105,000 shall be expended for the operation of the E-Team Machinist Program of the North Shore; provided further, that not less than \$100,000 be expended for the Lower

Pioneer Valley Education Collaborative for the purpose of expanding their existing programs and services to better serve students with disabilities; provided further, that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$100,000 shall be expended to create a post-secondary nursing degree and certification program at the Blackstone Valley Vocational Regional School in partnership with Quinsigamond Community College; provided further, that not less than \$100,000 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that not less than \$100,000 shall be expended for the operation and programs of AWAKE (Alive with Awareness, Knowledge, and Empowerment) in Springfield; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of providing technical assistance and assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than \$80,000 shall be expended for the retraining of pile drivers for employment in the offshore gas pipeline industry; provided further, that not less than \$75,000 shall be expended for Middlesex Community College to develop, plan and conduct a pilot program in preparation for establishing a new program in Entrepreneurship Education; provided further, that not less than \$75,000 shall be expended by the National Foundation for Teaching Entrepreneurship for a program to teach business ownership skills to young people from low income communities; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$50,000 shall be expended to The Town of Reading for a feasibility study and preliminary design of a downtown

parking garage as part of the town's smart growth initiative to concentrate development in the downtown area; provided further, that not less than \$50,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield; provided further, that not less than \$50,000 shall be expended to provide employment, training and job placement by the New Skills Academy in the City of Lawrence; provided further, that not less than \$50,000 shall be made available to More Than Words in the city of Waltham for the purpose of expanding operations to an additional city to be determined in consultation with the commissioner; provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than \$100,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$50,000 shall be expended for Merrimack Valley Community Service Corps; provided further, that \$50,000 shall be expended for the Allston-Brighton Vocational Center (VAC) for the continued operation of a job training and placement center; provided further, that not less than \$25,000 be expended for the International Institute of the Merrimack Valley; provided further, that \$15,000 shall be expended for the Draper Complex Reuse Committee in Hopedale; provided further, that not less than \$15,000 shall be expended by WE CAN of Cape Cod for workforce training and career mentoring for women in transition; provided further, that not less than \$9,000 shall be expended for Quincy Asian Resources, Inc. to provide outreach and services to the Asian American community; provided further, that not less than \$7,500 shall be expended for the Bonnie Brae Day Camp in Gardner; and provided further, that not less than \$5,000 shall be expended for a youth employment program in Methuen ..... \$10,473,000

Workforce Training Fund ..... 100%

7003-0803 For the one-stop career centers; provided, that not less than \$2,750,000 shall be expended for the one-stop career centers that were in existence on May 1, 1997, located in the Boston, Hampden county and the metro north service delivery areas

and any satellite offices of said centers which opened on or before December 1, 1997; provided further, that not less than \$1,000,000 shall be expended for one-stop career centers that opened after January 1, 1999; provided further, that each career center shall inform unemployed or underemployed recipients of transitional aid to families with dependent children benefits who seek assistance from the center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which the programs prepare participants and the average wage rates in the professions within the commonwealth; provided further, that this information shall encompass certified nurses' aide training programs, job availability and wage rates; provided further, that the department of workforce development shall conduct an annual evaluation of the use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region, the services provided by each one-stop career center, the number of persons served by and costs of operating the connecting unemployment insurance claimant initiative in one-stops and the costs of providing each person served the range of one-stop career services; provided further, that the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers; and provided further, that the director shall annually, by September 30, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development on the status of the evaluation required under this item and the allocation of said funds . . . . . \$5,500,000

7003-1641 For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program as provided for in this item shall leverage at least \$1 in matching funds for every \$1 granted pursuant to this item; provided further, the president of the Small Business Association of New England shall file a quarterly report with



the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies in the commonwealth through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs ..... \$100,000

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.**

*Office of the Secretary.*

- 7002-0010 For the operation of the office of the secretary of housing and economic development; provided, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements ..... \$390,592
- 7002-0013 For the operation of expedited permitting at the executive office of housing and economic development, related technical assistance grants to local municipalities and related payments to the Massachusetts Development Finance Agency ..... \$4,000,000
- 7002-0045 For the operation of the office of the wireless and broadband affairs director ..... \$250,000

*Department of Housing and Community Development.*

- 7004-0001 For the commission on Indian affairs; provided, that not less than \$100,000 shall be expended for the development of a Native American Institute to be developed in conjunction with the commission on Indian affairs and tribal leaders in Massachusetts ..... \$204,425
- 7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting

system for the purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030, 7004-9033 and 7004-9316; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the

neighborhood housing services rehabilitation program; provided further, that not less than \$200,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., in Springfield to prevent foreclosures, to assist first-time home buyers, and to create jobs; provided further, that not less than \$200,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that not less than \$100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester; provided further, that not less than \$25,000 shall be expended for Marlborough Community Development Corporation; provided further, that not less than \$15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that \$61,200 shall be expended for the Worcester housing program; provided further, that not less than \$25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$100,000 shall be expended for ABCD North End elderly program; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than \$100,000 shall be expended for Neighbors in Need in Lawrence; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that \$150,000 shall be provided to World is Our Classroom, Inc. serving the municipalities of Holyoke, Westfield, Chicopee, and Greenfield; provided further, that not less than \$95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services

for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further, that funds appropriated herein shall not be expended by the Boston Housing Authority for discretionary purposes; provided further, that not less than \$75,000 shall be expended for Methuen-Arlington Neighborhood, Inc.; provided further, that not less than \$75,000 shall be expended for the Worcester Housing Authority; provided further, that no less than \$150,000 shall be expended for 2 computer centers and the work force program operated by the Cambridge housing authority; provided further, that not less than \$105,000 shall be expended for Food for the World Pantry in Lawrence; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation; provided further, that not less than \$100,000 shall be expended to the Housing Families, Inc in the city of Malden for providing educational support programming for homeless children through the Children and Family Program; provided further, that not less than \$50,000 shall be expended for Kamp for Kids in Westfield; provided further, that \$100,000 shall be expended for Homeowner Options for Massachusetts Elders; provided further, that not less than \$50,000 shall be expended for the Center for Sustainability to assist in its mission; and provided further, that not less than \$75,000 shall be expended for the Lowell Wish Project . . . . \$10,293,166

7004-2475 For the homeownership opportunity affordable housing program; provided, that all sums appropriated shall be used to write down interest rates on soft second mortgage loans for low and moderate-income first-time home buyers . . . . . \$5,250,000

7004-3036 For housing services and counseling; provided, that not less than \$1,600,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each



	regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2008 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; and provided further, that not less than \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program . . . . .	\$1,821,925
7004-3045	For a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the Massachusetts trial court for individuals with disabilities and for families that contain individuals with disabilities in cases where the disability is directly related to the reason for eviction . . . . .	\$500,000
7004-4314	For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in that housing . . . . .	\$490,401
7004-9005	For subsidies to housing authorities and nonprofit organizations including funds for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons under sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding any general or special law to the contrary, all housing authorities operating elderly public housing shall offer first preference for elderly public housing units which are vacant on the effective date of this act, and thereafter, to those persons 60 years of age or older as of June 30, 2007, receiving rental assistance from the Massachusetts rental voucher program; provided further, that the department may expend funds appropriated in this item for deficiencies caused by certain reduced rentals which may be anticipated in the operation of	

housing authorities for the first quarter of the subsequent fiscal year; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budgets of housing authorities; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the amount appropriated in this item shall be considered to meet any and all obligations under said sections 32 and 40 of said chapter 121B; provided further, that any new reduced rental units developed in fiscal year 2008 eligible for subsidies under this item shall not cause any annualization that results in an amount exceeding the amount appropriated in this item; and provided further, that all funds in excess of normal utilities, operations and maintenance costs may be expended for capital repairs . . . . \$60,113,590

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal poverty level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that any household in which a participant or member of a participant's household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further, that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the contrary, the monthly dollar

amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its rental unit in an amount exceeding 2 month's rent during any 1-year lease period shall be terminated from the program; provided further, that notwithstanding any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that the department shall pay agencies \$32.50 per voucher per month for the costs of administering the program; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which shall cause it to exceed the appropriation set forth in this item; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that such obligations may include, but shall not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent these programs are available; provided further, that each participant shall be required to undertake and meet these contractually established

obligations as a condition for continued eligibility in the program; provided further, that for continued eligibility, each participant shall execute this 12-month contract on or before September 1, 2007, if the participant's annual eligibility recertification date occurs between June 30, 2007, and September 1, 2007, and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is disabled may be exempted from any obligations unsuitable under particular circumstances; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; and provided further, that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2007 . . . . . \$29,958,638

7004-9030 For the transitional rental assistance program established under section 16 of chapter 179 of the acts of 1995; provided, that notwithstanding any general or special law to the contrary, the transitional rental assistance shall be in the form of mobile vouchers; provided further, that the vouchers shall be in varying dollar amounts set by the department based on considerations including, but not limited to, household size, composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to its rental unit in an amount exceeding 2 month's rent during any 1 year shall be terminated from the program; provided further, that the department shall pay agencies that administer this program an allowance not to exceed \$25 per voucher per month for the costs of administration; provided further, that notwithstanding



any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, but each household shall be required to pay not less than 25 per cent of its net income, as defined in regulations promulgated by the department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of its income for units if utilities are provided by the unit owner; provided further, that payments for the transitional rental assistance may be provided in advance; provided further, that the department shall establish the amounts of the mobile vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which will cause it to exceed the appropriation set forth in this item; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent", as used in this item, shall mean payments to the landlord or owner of a dwelling unit under a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that the department shall submit an annual report to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated in this item shall not annualize to more than \$3,500,000 in fiscal year 2009; and provided further, that the program shall provide funding for not more than 800 mobile vouchers . . . . . \$3,500,000

7004-9033 For rental subsidies to eligible clients of the department of mental health; provided, that the department shall establish the amounts of such subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein . . . . . \$3,500,000

7004-9201 For interest subsidies for the private development of affordable housing; provided, that notwithstanding any general or special

law to the contrary, no new commitments shall be entered into during fiscal year 2008 for said fiscal year or any subsequent fiscal years; and provided further, that funds may be allocated by said agency to its existing interest subsidy contracts in a manner as it may determine necessary to maximize the preservation of existing affordable housing units throughout the commonwealth ..... \$4,500,000

7004-9315 For the low-income housing tax credit program; provided, that the department may expend not more than \$2,334,014 from revenue collected from fees collected under Executive Order No. 291, pertaining to low-income housing tax credits, for the costs of administering and monitoring the programs, including the costs of personnel, subject to the approval of the director of the department; and provided further, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued ..... \$2,334,014

7004-9316 For a program to provide assistance for homeless families moving into subsidized or private housing and families at risk of becoming homeless due to a significant reduction of income or increase in expenses; provided, that the amount of financial assistance shall not exceed \$3,000 per family; provided further, that funds may be used for security deposits, first and last month's rent, electric, gas, sewer and water utility payments for utility arrearages incurred on or after December 1, 2006; provided further, that assistance shall be administered by the department through contracts with the regional non-profit housing agencies; provided further, that no assistance shall be provided to any family with an income in excess of 50 per cent of the area median income; provided further, that prior to authorizing a residential assistance payment for a family, the non-profit housing agency shall make a finding that the family experienced a significant reduction of income or increase in expenses and has secured new income or a change in circumstances and that the payment, will enable the family to retain its current housing,

obtain new housing, or otherwise avoid homelessness; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing, or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family who is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing, or otherwise avoid homelessness; provided further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments who the agencies determine would benefit from these services to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; provided further, that the program shall be administered under guidelines established by the department; and provided further, that the department shall provide a status report to the secretary of administration and finance and the house and senate committees on ways and means no later than March 1, 2008, that includes, but is not limited to, all program expenditures, the number of recipients of the funds, the housing status of the recipients before and after receiving assistance, the purposes for which each family used the assistance, the administrative costs and other related costs of the program, including whether such recipient resided or continues to reside in state or federal public housing, and any other information necessary to determine the effectiveness of the program ..... \$5,000,000

7004-9317 For the Individual Development Account (IDA) program; provided, that households residing in state-subsidized housing, as defined by the department, shall receive preference for enrollment in the program; provided further, that funds may be awarded to community-based organizations

to establish or support local IDA programs; provided further, that funds may be used for administrative costs to operate an IDA program for financial literacy and asset-specific training and as a match for program participant savings for qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, as defined by the department; provided further, that the department may determine other qualified match uses consistent with the guidelines established in federal IDA guidelines pursuant to 42 USC 604; and provided further, that funds may be used to secure federal asset building programs funds ..... \$600,000

*Office of Consumer Affairs and Business Regulation.*

7006-0000 For the office of the director of consumer affairs and business regulation, including expenses of an administrative services Unit ..... \$1,723,057

*Division of Banks.*

7006-0010 For the operation of the division of banks; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon financial institutions which the division currently regulates pursuant to powers granted to the division by the general or special laws or by regulations; and provided further, that this assessment shall be in addition to any assessments that the division currently assesses upon financial institutions and shall be made at a rate sufficient to produce \$12,240,355 in additional revenue that shall pay for this item ..... \$12,240,355

*Division of Insurance.*

7006-0020 For the operation of the division of insurance, including the expenses of the board of appeal on motor vehicle liability policies and bonds and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to chapter 31 of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject



to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that shall immediately transfer calls made to that office to the consumer assistance office in the city of Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 51 of chapter 111 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon the institutions which the division currently regulates except for licensed business entity producers under powers granted to the division by general or special law or regulation; and provided further, that such assessment shall be in addition to any assessments that the division currently assesses upon such institutions and shall be made at a rate sufficient to produce \$10,960,219 in additional revenue that will pay for this item . . . . . \$10,960,219

7006-0029 For the operation of the health care access bureau of the division of insurance; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon the institutions which the division currently regulates except for licensed business entity producers under powers granted to the division by general or special law or regulation; and provided further, that such assessment shall be in addition to any assessments that the division currently assesses upon such institutions and shall be made at a rate sufficient to produce \$600,000 in additional revenue that will pay for this item . . . . . \$600,000

*Division of Professional Licensure.*

7006-0040 For the operation and administration of the division of professional licensure; provided, that of the funds appropriated in this item, sufficient monies shall be expended for the reduction of case backlog at the boards of registration;

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provided further, that the division shall at all times employ not less than 2 hearing officers to facilitate the processing of cases pending before the various boards; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; and provided further, that the division shall maintain and staff an office in the city of Springfield ..... \$4,145,986

*Division of Standards.*

7006-0060 For the operation of the division of standards ..... \$747,080  
7006-0066 For the support of the division of standard's municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of the division ..... \$300,000  
7006-0067 For the division of standards; provided, that the division may expend for enforcement of weights and measures laws an amount not to exceed \$458,900 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measures fees and fines collected from cities and towns ..... \$458,900  
7006-0068 For the division of standards; provided, that the division may expend an amount not to exceed \$360,000 from revenue received from license fees assessed to owners of motor vehicle repair shops ..... \$360,000

*Department of Telecommunications and Cable.*

7006-0071 For the operation of the department of telecommunications and cable; provided, that notwithstanding the second sentence of section 7 of chapter 25C of the General Laws, the assessments levied for fiscal year 2008 pursuant to said section 7 of said chapter 25C shall be made at a rate sufficient to produce \$2,446,137 ..... \$2,446,137

*State Racing Commission.*

7006-0110 For the operation of the state racing commission ..... \$2,101,365

*Department of Business and Technology.*

7007-0100 For the office of the director of business and technology ..... \$386,871

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7007-0200	For the operation and support of the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program, established in chapter 123 of the acts of 2006 .....	\$100,000
7007-0215	For the operation of the Massachusetts business to business program; provided, that a report shall be submitted to the house and senate committees on ways and means not later than February 1, 2008, and shall include, but not be limited to, the following: (1) the number of businesses that have used the program in fiscal year 2008, including both businesses located in the commonwealth and those that were attracted to Massachusetts by the program; (2) the number of jobs the commonwealth has retained as a result of the funding in this item; and (3) the amount of private investment that has occurred as a result of the funding in this item .....	\$250,000
7007-0300	For the operation of the Massachusetts office of business development and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that the office shall maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts .....	\$3,540,696
7007-0334	For the operation of the office of small business and entrepreneurship and for grants to community development corporations, community development financial institutions or non-profit community-based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer .....	\$750,000
7007-0500	For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth; and provided further, that not less than \$60,000 shall be expended to the City of Lynn to promote a Biotechnology incubator space within the city's Smart Growth District .....	\$760,000
7007-0515	For economic development grants to be administered by the department of business and technology; provided, that \$200,000 shall be expended for the operation of the Massachusetts Fisheries Recovery Commission; provided further, that not	

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	less than \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth; provided further, that not less than \$250,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; provided further, that not less than \$300,000 shall be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce .....	\$1,100,000
7007-0800	For a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States Small Business Administration has made a payment or has executed a contract to pay the University of Massachusetts at Amherst for the operation of the center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than \$300,000 of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that the services shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational workshops and seminars and for the electronic identification and tracking of federal bid opportunities; provided further, that the expenditure of said \$300,000 shall be subject to the receipt of matching funds from federal or private sources, including the United States Department of Defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means .....	\$1,204,286
7007-0900	For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and	



capital funds; provided further, that not less than \$1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission, provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships to the commonwealth and provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the Commission which shall be the official and lead agency to facilitate motion picture production and development within the commonwealth; provided further, that not less than \$1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2008 for the highway information centers operating year round on state highways and federally-assisted highways and the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston, and the Adams Visitor Center in the town of Adams; provided further, that the grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils and other public or private funding sources; provided further, that not less than \$1,500,000 shall be expended for a promotional program by the Office of Travel and Tourism to enhance the international tourism market share of the Commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain; provided further; that not less than \$500,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further, that not less than \$500,000 shall be expended on the open wide health pilot program in Hampden county; provided further, that \$375,000 shall be expended for the promotion of the performing arts in the town of Wakefield; provided further, that not less than \$350,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support of performances offered free to the public and for the purpose of preparing a pilot program to expand performances to Springfield and other cities; provided further,

that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$300,000 shall be expended for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than \$250,000 shall be expended for the establishment of a law enforcement technology fund in the Town of Franklin; provided further, that not less than \$250,000 shall be expended for the North Central Massachusetts Development Corporation; provided further, that not less than \$250,000 shall be expended for the Medway Public Library; provided further, that not less than \$250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$250,000, subject to a 100 per cent matching fund, shall be available for the Berkshire Economic Development Corporation; provided further, that not less than \$200,000 shall be expended for City Stage in Springfield; provided further, that \$200,000 be expended for costs associated with the Tewksbury Center expansion project on Chandler Street in the town of Tewksbury; provided further, that not less than \$200,000 shall be expended for the Regional Technology Development Corporation of Cape Cod; provided further, that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that not less than \$200,000 shall be expended for a grant for From the Top, Inc; provided further, that not less than \$200,000 shall be appropriated to the Spanish American Union Incorporated in the city of Springfield provided further, that not less than \$75,000 of said funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated; provided further, that not less than \$200,000 be expended for the Massachusetts Lodging Association for the continuation of the publication Massachusetts Great Escapes that markets Massachusetts as a tourism destination throughout the northeast region of the country; provided further, that \$200,000 be expended for senior mental health and wellness programs in the town of Tewksbury; provided further, that not less than \$200,000 shall be expended as grants for the Bay State Games; provided further,

that not less than \$200,000 shall be expended to The Boston Symphony Orchestra at Tanglewood; provided further, that not less than \$200,000 shall be expended to the Mahaiwe Performing Arts Center in Great Barrington; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in the city of Fall River; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) for the central business district area of the City of Springfield; provided further that not less than \$175,000 shall be expended for the Lake Street Recreation project in the Town of Shrewsbury; provided further, that not less than \$170,000 shall be expended for the Bourne Financial Development Corporation; provided further, that not less than \$150,000 shall be expended for the Cape Cod Canal Region Chamber of Commerce; provided further, that not less than \$150,000 shall be expended for the Naismith Memorial Basketball Hall of Fame for the purpose of promoting and hosting the NCAA Men's Division II Basketball Championship in the City of Springfield; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$150,000 shall be expended for the historic Chevalier auditorium in Medford; provided further, that not less than \$150,000 shall be expended for a child safety grant in the Town of Hamilton; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$150,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities to support the rehabilitation of cultural and heritage facilities across the Commonwealth and the fostering of economic opportunity through arts, culture and tourism in the Commonwealth through public education; provided further, that not less than \$150,000 shall be expended for an environmental program in the Wachusett Regional School District; provided further, that not less than \$150,000 shall be expended by the western Massachusetts Economic Development Council for development, marketing, and advertising purposes; provided further, that not less than \$150,000 shall be expended for the purpose of hyporheic and

sub-hyporheic zone modification in the town of Westport; provided further, that not less than \$125,000 shall be expended for the New England Puerto Rican Association; provided further, that not less than \$100,000 shall be expended for a economic development grant in the Town of Braintree; provided further, that not less than \$100,000 shall be expended for The Berkshire Museum, in the City of Pittsfield; provided further, that \$100,000 shall be expended for the Essex National Heritage Commission Cooperative Agreement; provided further, that not less than \$100,000 shall be expended for the Plymouth Chamber of Commerce for the Mayflower 50th Committee; provided further, that not less than \$100,000 in appropriated funds shall be made available to the Fisher Street Bridge in the town of North Attleboro; provided further, that not less than \$100,000 shall be expended for the operation of Discover Quincy; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than \$100,000 be granted to the Harvard Square Business Association for outdoor Elizabethan theater that will promote tourism in the city of Cambridge; provided further, that not less than \$100,000 shall be expended for the Zeiterion Performing Arts Center; provided further, that \$100,000 shall be expended for a public safety program in the town of Dudley; provided further, that not less than \$100,000 shall be allocated to the city of Worcester to implement a comprehensive marketing initiative; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further that not less than \$100,000 shall be expended for the Head of the Charles Regatta; provided further, that not less than \$100,000 shall be expended for Chinatown Tourism and Trust in the City of Boston; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than \$100,000 shall be expended for the Kwong Kong Chinese School in Boston; provided further, that \$100,000 shall be expended for the North End Visitor Center; provided further, that not less than \$100,000 shall be expended for the Pilgrim Hall Museum; provided further, that not less than \$100,000 shall be expended for Battleship Cove in the city of



Fall River to assist the commonwealth's official World War II and 9/11 memorials' educational and tourism endeavors; provided further, that not less than \$100,000 shall be expended for the Buzzards Bay Village Association, to implement the Greenbelt Pathway Project, and to advance to the second phase of a master plan for the Bridge Park along Main Street in Buzzards Bay; provided further, that not less than \$100,000 shall be appropriated for the Waltham Tourism Council; provided further, that not less than \$100,000 shall be expended for the Grandview Farm in Burlington; provided further, that \$100,000 for small business program in Everett; provided further, that \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$90,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than \$80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$78,700 shall be expended for the Arsenal Center for the Arts; provided further, that not less than \$75,000 be expended for the installation of street lights in the Forest Park area of Springfield; provided further, that not less than \$75,000 shall be expended for patrols in Wompatuck state park in the town of Hingham; provided further, that not less than \$75,000 shall be expended for the renovation of the Bing Theatre; provided further, that not less than \$75,000 shall be expended for the Multicultural Alzheimer's Services Project of Springfield; provided further, that not less than \$75,000 shall be expended for Heritage Museums for their Winter Spectacle; provided further, that not less than \$75,000 shall be expended to Boston City Lights; provided further, that not less than \$75,000 shall be expended for the Samuel Harrison House in the city of Pittsfield; provided further, that not less than \$75,000 shall be expended for the Captain Gerald F. DeConto program in the town of Sandwich; provided further, that not less than \$75,000 shall be expended for Girls, Inc. in the city of Lynn for improvements to their program as approved by the Board of Directors of said organization; provided further, that not less than \$75,000 shall be expended for the Assabet River Wildlife Refuge in Sudbury; provided further, that not less

than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further that not less than \$70,000 be expended for improvements to the Jordan Pond area and the creation of a walking trail around Jordan Pond in the Town of Shrewsbury; provided further, that not less than \$65,000 shall be expended for the Creative Economy Association of the North Shore; provided further, that not less then \$60,000 shall be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community; provided further, that not less than \$50,000 be expended for Marlborough 2010; provided further, that not less than \$50,000 shall be expended for Plimoth Plantation, Inc. to establish the Cultural Coast Program to promote the southeast region of Massachusetts; provided further, that not less than \$50,000 shall be expended by the Greater Plymouth Food Warehouse to assist in their operation; provided further, that not less than \$50,000 shall be provided for the restoration and repairs of the Historical Asa Waters Mansion in the Town of Millbury; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$50,000 shall be expended for activities to promote tourism and cultural events in and around the historic downtown in the town of Franklin; provided further, that not less than \$50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than \$50,000 shall be expended for the Holyoke Merry-Go-Round at Heritage State Park; provided further, that not less than \$50,000 shall be shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$50,000 shall be expended for the Attleboro Museum; provided further, that not less than \$50,000 shall be expended for the Russian Community Association in the city of Springfield; provided further, that

not less than \$50,000 shall be expended for the Urban Art Institute and the Massachusetts College of Art for the Peter's Park Art Wall program; provided further, that not less than \$50,000 shall be expended for the Enterprise Center at Salem State College for the purposes of furthering the creative economy and economic development on the North Shore; provided further, that not less than \$50,000 shall be expended for infrastructure repairs for TheatreZone Chelsea; provided further, that not less than \$50,000 shall be expended for the operation of the historic Jenney Grist Mill in the town of Plymouth; provided further, that not less than \$50,000 shall be expended for the Cultural Office of Lowell to promote the downtown Lowell arts district in conjunction with the Revolving Museum; provided further, that not less than \$50,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail; provided further, that not less than \$50,000 shall be expended to RAW Arts, Inc. in the city of Lynn to facilitate youth expansion programs approved by the Board of Directors of said organization; provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided further, that not less than \$50,000 shall be expended for a public safety grant in Hanover, Norwell, and Rockland; provided further, that not less than \$50,000 shall be expended to continue and expand the triage counseling services in the Needham public schools; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston; provided further, that not less than \$50,000 shall be expended for the Claflin Hill Symphony Orchestra; provided further, that not less than \$50,000 shall be expended for the Mansfield Music and Arts Society; provided further, that not less than \$50,000 be expended on the Springfield Symphony Orchestra; provided further, that not less than \$50,000 shall be expended for the historic Academy Building in Attleboro; provided further, that not less than \$50,000 shall be expended for the operation and administration of the Commonwealth Cup, a series within the Canadian-American Association of

Professional Baseball; provided further, that not less than \$50,000 shall be expended by the Massachusetts Sports and Entertainment Commission for support of film festivals on the Cape and Islands; provided further, that not less than \$50,000, shall be made available to the Jacob's Pillow Dance Festival; provided further, that not less than \$50,000 shall be expended for a youth sports grant to Reading memorial high school in the town of Reading; provided further, that not less than \$50,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that \$50,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn; provided further, that \$50,000 shall be expended for youth sports program in Reading; provided further, that not less than \$46,500 shall be expended for the North Quabbin Chamber of Commerce; provided further, that not less than \$40,000 shall be expended for a crime prevention program in the town of North Attleboro; provided further, that not less than \$40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program; provided further, that not less than \$40,000 shall be expended from this item for the operation and the promotion of the Ipswich Shuttle Bus service; provided further, that not less than \$40,000 funds shall be expended for a school safety grant in the town of North Attleboro; provided further, that \$35,000 shall be expended for a public safety grant in the town of Berlin; provided further, that not less than \$35,000 shall be expended for engineering studies and plans at the landfill in the town of Seekonk; provided further, that not less than \$35,000 shall be expended to the Heritage Landscape Inventory Program in partnership with the Towns of Spencer, North Brookfield, East Brookfield, Brookfield, West Brookfield and Warren; provided further, that not less than \$30,000 be expended for the implementation of the Fitchburg Regional Crime Recording Project; provided further, that not less than \$30,000 shall be expended for the Northampton Chamber of Commerce to support the marketing and planning of cultural tourism and related hospitality industry events in the city of Northampton; provided further, that not less than \$30,000 shall be expended for the landmark Ohabei Shalom



Chapel Building in East Boston; provided further, that not less than \$30,000 be expended for the Korean War Memorial in the city of Haverhill; provided further, that not less than \$25,000 shall be expended for the Winnekenni Castle Foundation; provided further, that not less than \$25,000 shall be expended for the River House in Beverly; provided further, that not less than \$25,000 shall be expended for the operation of the Cape Cod Junior Technology Council; provided further, that not less than \$25,000 shall be expended for the Sandwich Glass Museum to promote the education of the glass blowing industry in Massachusetts history; provided further, that not less than \$25,000 be expended for the Stevens-Bennett Home in the city of Haverhill; provided further, that not less than \$25,000 shall be expended for the Edson Westlawn cemetery; provided further, that not less than \$25,000 shall be expended for the Freedom's Way Heritage Commission; provided further, that not less than \$25,000 shall be expended for the John Greenleaf Whittier birthplace; provided further that not less than \$25,000 shall be expended for the Pembroke Grange; provided further, that not less than \$20,000 shall be expended for the Berkshire Theater Festival in Stockbridge; provided further, that not less than \$15,000 shall be provided to the Cape Cod Cranberry Growers for the production of a Cranberry Harvest Map; provided further, that not less than \$15,000 shall be expended for the Central Massachusetts Regional Planning Commission for the Quaboag Canoe Trail; provided further, that \$10,000 shall be expended to the Templeton Historical Society in the town of Templeton; provided further, that not less than \$10,000 shall be expended for the Nashoba Valley Chamber of Commerce for an informational kiosk; provided further, that not less than \$10,000 shall be expended from this item for a public-private match for the Joshua Eaton clock tower in Reading; provided further, that not less than \$10,000 shall be expended to the Centerville Veteran's Association in the Town of Barnstable as a one-time matching grant to erect a statue honoring Veteran's of Foreign Wars in the village of Centerville; provided further, that not less than \$9,000 shall be expended for operating expenses for the Route 195 Visitor Information Center in Wareham; provided further, that not less than \$10,000 shall be made available to the Town of Dalton for the

	historic Hoose House; and provided further, that not less than \$8,000 shall be expended for the Friends of the Quabbin, Inc	
	.....	\$28,231,965
	Tourism Fund .....	100.0%
7007-0951	For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that funding in this line item may not be transferred through interdepartmental service agreements; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2008 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; and provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the Trailside Museum and the Chickatawbut Hill Center in the town of Milton; provided further, that \$750,000 be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo; provided further, that not less than \$50,000 shall be expended for the operation of the Zoo in Forest Park; and provided further, that not less than \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other enhancements	\$6,900,000
7007-1000	For assistance to local tourist councils under section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law or rule or regulation to the contrary, each of the councils may expend an amount not to exceed 20 per cent of the funds appropriated in this item for the cost of administrative services	\$9,000,000
	Tourism Fund .....	100.0%

- 7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that such cluster-support activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated in this item shall be expended to the Massachusetts Technology Park Corporation to be held, applied and administered through its Massachusetts Technology Collaborative; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated in this item; provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein not later than January 15, 2008 . . . . . \$250,000
- 7007-1300 For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided, that not more than \$100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than \$60,000 shall be applied as a 25% match to the European Commission's Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further,

not more than \$100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, not more than \$120,000 shall be spent toward the establishment of a Foreign Direct Investment Foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than \$180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than \$50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than \$30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than \$25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than \$120,000 to be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters ..... \$1,460,000

Tourism Fund ..... 100.0%

7007-1500 For the operation and administration of the office of minority and women business assistance; provided, that the office shall administer an electronic business certification application which shall be accessible to business applicants through use of the internet; provided further, that the office shall ensure the integrity and security of personal and financial information transmitted by electronic application; provided further, that the office shall, using all existing available resources, provide certification services within each of the 1-stop regional assistance centers of the Massachusetts office of business development; and provided further, that the office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process ..... \$1,111,178



*Department of Education.*

7010-0005	For the operation of the department of education; provided, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, shall allocate not less than \$200,000 for programming to ensure public schools' compliance with the board of education's recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts; and provided further, that not later than November 15, 2007, the department shall submit a progress report to the secretary of administration and finance, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education on efforts by the department to further define and advance the strategic vision of the department, along with a detailed implementation plan for realizing that vision .....	\$13,612,790
7010-0012	For grants to cities, towns and regional school districts for payments of certain costs and related expenses for the program to eliminate racial imbalance established under section 12A of chapter 76 of the General Laws; provided, that funds shall be made available for payment for services rendered by METCO, Inc. and Springfield public schools ...	\$20,615,313
7010-0216	For the teacher, principal, and superintendent retention programs established in sections 19B, 19C, and 19E of chapter 15A of the General Laws; provided, that no funds shall be expended for personnel costs; provided further that \$250,000 be expended to the Eagle Hill School Teacher Induction Training Program for the purposes of operating a teacher induction training pilot program for the cities of Boston, Fitchburg, Framingham, Springfield and Worcester .....	\$845,881
7010-1022	For the development and implementation of certificates of occupational proficiency .....	\$1,300,000
7027-0016	For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer	

of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that \$250,000 shall be expended for Amer-I-Can Program, Inc through the Black Men of Greater Springfield, Inc.; provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than \$200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education Program; provided further, that not less than \$50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that not less than \$200,000 shall be provided for the Diploma Plus drop out prevention program in partnership with Commonwealth and the Massachusetts Department of Education; provided further, that not less than \$60,000 shall be expended for Junior Achievement of Central Massachusetts; provided further, that not less than \$50,000 shall be expended for Junior Achievement of Western Massachusetts; provided further, that not less than \$75,000 shall be expended for Junior Achievement of Eastern Massachusetts; provided further, that not less than \$100,000 shall be expended for the pilot program in the town of Southbridge for preventing violence and hate crimes in Kindergarten through 8; provided further, that the pilot program shall also offer parent training

	and education in violence prevention and racial tolerance; and provided further, that not less than \$50,000 shall be expended for MY TURN, INC. for the purpose of school to work activities, connecting to college activities and youth workforce development activities . . . . .	\$2,804,566
7027-0019	For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job . . . . .	\$4,129,687
7027-1004	For English language acquisition professional development to improve the academic performance of English language learners and effectively implement sheltered English immersion as outlined in chapter 386 of the acts of 2002; provided, that the department shall only approve professional development courses and offerings with proven, replicable results in improving teacher performance, and which shall have demonstrated the use of best practices, as determined by the department, including data comparing pre-training and post-training knowledge; provided further, that the department shall, not later than February 15, 2008, provide a report on the number of educators who have received such training since passage of chapter 386 of the acts of 2002, the estimated number who need such additional training, and a review and analysis of the most effective types of professional develop-	

	ment and the most common gaps in the knowledge base of educators implementing English immersion and teaching English language acquisition, along with legislative or regulatory recommendations of the department; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that no funds shall be expended for personnel costs . . . . .	\$470,987
7028-0031	For the expenses of school age children in institutional schools under section 12 of chapter 71B of the General Laws; provided, that the department may provide special education services to eligible inmates in county houses of correction; provided further, that the department of youth services shall continue to collaborate with the department of education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; and provided further, that the department of education, in conjunction with, the commissioner of youth services shall submit a report on progress made to the house and senate committees on ways and means by December 1, 2007 . . . . .	\$7,645,700
7030-1002	For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full-day kindergarten classrooms and to encourage the transition of half day classrooms into full-day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full-day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full-day kindergarten classrooms and for the transition of existing half-day kindergarten classrooms into full-day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient ob-	



ligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full-day kindergarten; provided further, that the guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that the guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half-day kindergarten classrooms into full-day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not less than \$6,000,000 shall be expended on grants to expand half-day classrooms to new full-day classrooms; provided further, that not later than January 15, 2008, the department shall report to the house and senate committees on ways and means on the total number of grants requested and awarded; provided further, that the report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full-day and half-day kindergarten classrooms projected to be in operation in public schools in fiscal year 2009; provided further, that funds appropriated in this item for transition grant awards may be expended through August 31, 2008, for the purposes of transition projects scheduled for the school year beginning in September 2008;

	provided further, that all kindergarten programs previously funded through community partnership councils at the department for early education and care shall receive grants from this item in amounts not less than they received in fiscal year 2007; and provided further, that no funds shall be expended for personnel costs . . . . .	\$33,802,216
7030-1003	For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education to the greatest extent possible; provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that not less than \$100,000 be expended for the TU-LEAP Program; provided further, that \$435,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided further, that no funds shall be expended for personnel costs . . .	\$3,540,000
7030-1005	For Reading Recovery, an early intervention individual tutorial literacy program designed as a pre-special education referral and short-term intervention for children who are at risk of failing to read in the first grade; provided, that not less than \$500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs; and provided further, that said program shall provide ongoing documentation and evaluation of results . . .	\$2,900,000

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- 7035-0002 For contracts and grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree-granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further, that not less than \$50,000 shall be expended for an English as a Second Language Adult Evening School Program in Everett; and provided further, that no funds shall be expended for personnel costs ..... \$30,101,348
- 7035-0006 For reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated in this item ..... \$58,300,000
- 7035-0007 For reimbursements to cities, towns, regional vocational or county agricultural school districts, independent vocational schools, or collaboratives for certain expenditures for transportation of nonresident pupils to any approved vocational-technical program of any regional or county agricultural school district, city, town, independent school or collaborative pursuant to section 8A of chapter 74 of the General Laws; provided, that should the amount appropriated herein be insufficient to fully fund said section 8A, initial reimbursements made by the department of education may be pro-rated by the department to all eligible cities, towns, regional vocational or county agricultural school districts, independent vocational schools, or collaboratives; and provided further, that upon a determination by the department

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	that the funds appropriated in this item are insufficient to meet the commonwealth's full obligation under said section 8A, the department shall, within 10 days, notify the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate ways and means committees of the amount needed to fully fund said obligation . . . . .	\$1,950,000
7051-0015	For operating funds to distribute food for the Massachusetts emergency food assistance program . . . . .	\$1,247,000
7052-0006	For grants and reimbursements to cities, towns, regional school districts and counties previously approved by the department of education under chapter 645 of the acts of 1948 and chapter 70B of the General Laws for payments associated with admission to a regional school district . . . . .	\$19,076
7053-1909	For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act and in the regulations implementing the act . . . . .	\$5,426,986
7053-1925	For the school breakfast program for public and nonpublic schools and for grants to improve summer food programs during the summer school vacation period; provided, that of the sum appropriated in this item, not less than \$300,000 shall be expended for the summer food service outreach program and not less than \$200,000 shall be expended for the school breakfast outreach program, including reimbursement of municipal expenses; provided further, that within the summer food program, priority shall be given to extending such programs for the full summer vacation period and promoting increased participation in such programs; provided further, that the department of education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of	



2008; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that the department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that the department shall select grantees for the program authorized by this item not later than March 30, 2008; provided further, that not less than \$2,011,060 shall be expended for the universal school breakfast program whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided further, that subject to regulations of the board that specify time and learning standards, breakfasts shall be served during regular school hours; provided further, that participation shall be limited to those elementary schools mandated to serve breakfast under section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally-funded school meals program; provided further, that the department shall select school sites for programs authorized by this item not later than November 15, 2007, and shall report to the house and senate committees on ways and means on the preliminary results of these grants not later than January 9, 2008; provided further, that nothing in the universal school breakfast program shall give rise to enforceable legal rights in any party or enforceable entitlement to services; and provided further, that the department shall select grantees for the program authorized by this item not later than March 30, 2008, prior appropriation continued . . . . . \$4,277,635

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws and section 3; provided, that \$200,000 of the funds allocated from this item to the city of Lawrence by said section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that each school district shall report annually to the department of education on its professional development expenditures, in a manner and form prescribed by the commissioner and consistent with the accountability requirements of the federal

No Child Left Behind Act; and provided further, that the department of education shall report annually to the house and senate committees on ways and means on school districts' professional development spending . . . . . \$3,725,671,328

7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 67; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 25 per cent in a municipality's required contribution to any of the districts to which the municipality belongs as a result of the regional allocation methodology; provided, that preference in the awarding of these funds shall be given to municipalities whose required local contribution exceeds 60 per cent of their foundation budget; provided further, that preference in the awarding of these funds shall be given to municipalities that were not awarded such funds in fiscal year 2007; provided further, that not less than \$800,000 shall be used for this purpose; (3) assist regional school districts which, prior to fiscal year 2008, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2008, will assess member towns using the required contributions calculated pursuant to section 3; (4) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (5) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (6) assist regional school districts in rural areas which meet each of the following 3 criteria: (a) have fewer than 40 full-time enrollment students per square mile; (b) have experienced more than 6.5 per cent enrollment decline

between fiscal year 2002 and fiscal 2007; and (c) have a target aid percentage greater than 50 per cent; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (7) assist districts experiencing enrollment declines that have implemented programs in conjunction with a public college or university designed to re-enroll students who have dropped out; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (8) assist municipalities with median per capita income below the state average and equalized valuation per capita above the state average; provided, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 80 per cent of their foundation budgets; (9) to assist towns in which in excess of one-third of the total land mass of the town is owned and controlled by the commonwealth and which receive payment in lieu of taxes on less than 25 per cent of said land; (10) assist districts which meet each of the following criteria: (a) receive an increase of less than 10% from FY07 aid levels to FY08 chapter 70 (b) have required net school spending of 100% of the foundation budget (c) have foundation enrollment loss from FY07 to FY08; provided, that any grants provided to school districts under this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2007; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor used in the calculation of the minimum required local contribution for fiscal year 2009 ..... \$5,500,000

7061-0012 For the reimbursement of extraordinary special education costs under section 5A of chapter 71B of the General Laws; provided, that reimbursements shall be prorated so that expenses of this item do not exceed the amount appropriated in this item; provided further, that upon receipt by the department of education of required special education cost reports from school districts, the department shall reimburse districts based on fiscal year 2007 claims; provided further, that not more than \$9,250,000 shall be used to continue and

expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this \$9,250,000, not less than \$8,000,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that \$800,000 shall be expended for Recording for the Blind & Dyslexic to provide books in accessible synthetic audio format made available through the federal NIMAS-NIMAC book repository, to do outreach and training of teachers and students for the use of NIMAS-NIMAC and human speech audio digital textbooks, and for human voice recording of MCAS exams; provided further, that, of this \$800,000 \$285,000 shall be expended for the costs of borrowing audio textbooks by special education students; provided further, that \$200,000 of said \$800,000 shall be targeted toward underserved communities in Barnstable, Bristol and Plymouth counties; provided further, that of this \$800,000, not less than \$25,000 shall be expended for the continuation of a pilot program for Recording for the Blind and Dyslexic to provide the tenth grade math and English learning arts MCAS tests in audio digital format; provided further, that no funds shall be expended for the MCAS pilot program until the department of education examines all security issues related to the pilot program and certifies to the legislature that the pilot program may be carried out without jeopardizing the security of the MCAS exams; provided further, that the report shall be completed not later than November 15, 2007 and shall be forwarded to the house and senate chairpersons of the joint committee on education and the chairpersons of the house and senate committees on ways and means; provided further, that \$300,000 shall be expended for the continued funding of the costs of 3 incentive start-up grants to educational collaboratives to provide partial funding for transportation coordination, administrative support, software updates, maintenance and training; provided further, that the funding shall be expended for the purpose of implementing a pilot program to demonstrate that transportation of students to out-of-district



special education placements can be accomplished at a lower cost and with improved quality of service by delegating the planning and contracting for such transportation to education collaboratives which would be responsible for the transportation of students to all out-of-district programs located within the pilot program collaborative catchment area; provided further, that \$300,000 shall be expended for the start-up costs for no more than six inter-collaborative transportation networks to provide funding for transportation coordination, administrative support, software upgrades, maintenance and training; provided further that the funding shall be expended for the purpose of replicating the pilot program model of delegating the planning and contracting for student transportation to educational collaboratives for the transportation of students to all out-of-districts programs located within the transportation network catchment area; provided further that the special education transportation task force shall submit a report, detailing the reduction in routes, vendors, and savings for participating districts and also a cost model for regions served by the collaborative network, by June 30, 2008 to the Joint Committee on Education, and the House and Senate Committees on Ways and Means; provided further, that not more than \$1,000,000 shall be expended for the monitoring and follow-up activities of the department's complaint management system, review and approval of local educational agency applications, and local school districts' compliance with the part B requirements of the federal Special Education Law, known as the Individuals with Disabilities Education Act, in the provision of special education and related services to children with disabilities; provided further, that these monitoring activities shall occur in each school district in cycles of not less than 3 years; provided further, that in order to facilitate such monitoring, the department may allocate funds from this item to item 7061-0029, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any transfer; provided further, that not more than \$500,000 shall be expended to administer the reimbursements funded herein; provided further, that notwithstanding said section 5A of said chapter 71B, the department, at the discretion of the commissioner,

may expend up to \$5,000,000 to reimburse districts for extraordinary increases in costs incurred during fiscal year 2008 which would be reimbursable under said section 5A of said chapter 71B; provided further, that reimbursements for current year costs shall be limited to school districts which experience increases of greater than 25 per cent from costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2007 to costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2008 or other cases of extraordinary hardship where special education costs increase in relationship to total district costs as the department may define through regulation or guidelines; provided further, that reimbursements for current year costs shall be allocated as one-time grants and shall not decrease reimbursements in the following fiscal year; provided further, that the department shall conduct audits of fiscal year 2007 claims; provided further, that if the claims are found to be inaccurate, the department shall recalculate the fiscal year 2008 reimbursement amount and adjust the third and fourth quarter payments to the districts to reflect the new reimbursement amount; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than February 15, 2008 on the results of the audits ..... \$220,000,000

7061-0029 For the office of educational quality and accountability established pursuant to section 55A of chapter 15 of the General Laws for the purpose of completing ongoing audits and those scheduled with school districts as of May 1, 2007 and for the operation of any successor entity to the office established pursuant to amendment of said section 55A of chapter 15 of the General Laws; provided further, that expenditures made pursuant to this line item shall be subject to section 9B of chapter 29 of the General Laws; and provided further, that funds remaining in this item subsequent to the completion of ongoing and scheduled audits shall be made available to any successor entity to the office of educational quality and accountability for the purpose of promoting school district accountability ..... \$2,974,554

7061-9010 For fiscal year 2008 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school

	tuition amount for commonwealth charter schools, as calculated under subsections (nn) and (oo) of section 89 of chapter 71 of the General Laws; provided, that notwithstanding the provisions of subsection (nn) of section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, the per pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2008 shall be \$849; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89, the department shall fully reimburse the cost of said per pupil capital needs component and shall pro-rate the tuition reimbursements calculated under said subsection (oo) . . . . .	\$73,790,525
7061-9200	For the education technology program; provided that not less than \$650,000 shall be expended for the ongoing costs associated with the Education Data Warehouse and Reporting System (Data Warehouse) . . . . .	\$5,515,000
7061-9400	For student and school assessment including the administration of the Massachusetts comprehensive assessment system (MCAS) exam established by the board of education pursuant to sections 1D and 1I of chapter 69 of the General Laws and for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples and projects and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum frameworks; provided further, that all school assessments shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which shall be relevant and meaningful to students, parents, teachers, administrators and taxpayers pursuant to the first paragraph of section 1L of chapter 69 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, assessment of proficiency in English shall be administered in English; . . . . .	\$27,749,039

7061-9404 For grants to cities, towns and regional school districts to provide targeted remediation programs in English and math to students in the classes of 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and beyond, scoring in level one or two on the Massachusetts Comprehensive Assessment System (MCAS) exam established by the board of education pursuant to the provisions of sections 1D and 1I of said chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that in awarding remediation funds, preference may be given to schools and districts at risk of or determined to be under-performing in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students' performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of education provided further, that such programs shall supplement currently funded local, state, and federal programs at the school or district; provided further, that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2008, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003, 2004, 2005, 2006, 2007 and 2008 who have completed high school but have not yet obtained a competency determination as defined in section 1D of chapter 69 as measured by the MCAS assessment instrument authorized by said section 1I of said chapter 69, but who are working to pass the English and math MCAS tests, obtain a competency determination, and earn a high school diploma; provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2008 to allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organizations and One Stop Career Centers including, but not limited to, school-to-work connecting activities, creating worksite learning experiences



for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass MCAS, and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of education, for intensive remediation programs, in communities with students in the graduating classes of 2003 to 2012, inclusive, who have not obtained a competency determination or have scored in levels one or two on either the English or math MCAS exams; provided further, that the department of education may give preference for such assistance to those districts with a high percentage of high school students scoring in level one on the MCAS exam in English and math; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools; provided further, that no district shall receive a grant from this appropriation until said district submits to the department of education a comprehensive district plan pursuant to the provisions of section 1I of chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that not less than \$1,000,000 shall be transferred to JFY networks, a non-profit corporation formerly Jobs for Youth, for a matching grant for the purposes of enhancing student performance on the Massachusetts Comprehensive Assessment System examination through instructional computer software; provided further, that \$300,000 shall be transferred to the Efficacy Institute for work in 'Campaigns for Proficiency' in Springfield, Boston and Lawrence, to be used for training public school teachers and youth workers in after-school programs in methods for using assessment data to develop effective strategies to improve student performance on the MCAS; provided further, that not less than \$75,000 shall be expended for Link Services at the Pettengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools; provided

further, that not less than \$125,000 shall be expended for Casa Dominicana in Lawrence; provided further, that not less than \$100,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than \$50,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided \$75,000 shall be expended for The WhizKids Foundation Inc.; provided further, that not less than \$370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in the town of Framingham and elsewhere in the commonwealth including an evaluation of best practices and all professional development related to these programs; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with a large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs; provided further, that not less than \$100,000 shall be expended for a pilot program operated by a non-profit organization, staffed by certified teachers and college aged tutors, to provide after school and summer educational services to students in low-income urban communities that require additional assistance to become academically proficient; provided further that said pilot shall provide student instruction for two and half hours in core curricula such as math and literacy using a multi-cultural approach and shall provide opportunities to work with tutors on homework, community service, team self- esteem and relationship building; provided further, that not less than \$180,000 shall be expended for the Invest-in-Kids program to provide after school programs in the city of New Bedford; provided further that not less than \$100,000 shall be expended for the Clean Slate program in the city of Springfield; and provided further, that \$50,000 shall be expended for the Astro Park Astronomy Facility at Barnstable High School; provided further, that notwithstanding any eligibility requirements herein, \$150,000 shall be expended for a pilot program operated by the Randolph public schools to provide educational services to students that require additional assistance to become academically proficient; and provided further, that the

pilot program may use a multi-cultural approach and provide opportunities for community service and relationship building; provided further, that \$15,000 shall be expended for the Lynn At-Risk Youth; provided further, that the department shall issue a report, no later than February 1, 2008 and annually thereafter as a condition of continued funding under this account, in collaboration with the board of higher education, describing MCAS support programs for the graduating classes of 2003 to 2012, inclusive, funded by items 7061-9404 and 7027- 0019, school to work accounts, institutions of public higher education, and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, but not met local graduation requirements, and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further that no costs shall be expended for personnel costs ..... \$13,215,863

7061-9408 For targeted intervention to schools and districts at risk of or determined to be underperforming under sections 1J and 1K of chapter 69 of the General Laws, schools and districts which have which have been placed in the accountability status of identified for improvement, corrective action, or restructuring pursuant to departmental regulations, or which have been designated Commonwealth priority schools or Commonwealth Pilot Schools pursuant to said regulations; provided, that no money shall be expended in any school or district that

fails to file a comprehensive district plan pursuant to the provisions of section 11 of said chapter 69 of the General Laws; provided further, that the department shall only approve reform plans with proven, replicable results in improving student performance; provided further, that in carrying out the provisions of this item, the department may contract with school support specialists, turnaround partners, and such other external assistance as is needed in the expert opinion of the commissioner, to successfully turn around failing school and district performance; provided further, that no funds shall be expended on targeted intervention unless the department shall have approved, as part of the comprehensive district improvement plan, a professional development plan which addresses the needs of the district as determined by the department; provided further, that eligible professional development activities for purposes of this item shall include, but not be limited to: professional development among teachers of the same grade levels and teachers of the same subject matter across grade levels, professional development focused on improving the teacher's content knowledge in the field or subject area in which the teacher is practicing, professional development which provides teachers with research based strategies for increasing student success, professional development teaching the principles of data driven instruction, and funding which helps provide common planning time for teachers within a school and within the school district; provided further, that preference in the awarding of such funds shall be given to professional development in math and English content skills; provided further, that funds from any targeted intervention grant may be used to partially offset the cost of said professional development and common planning time; provided further, that funds may be expended for the purchase of instructional materials pursuant to section 57 of chapter 15 of the General Laws; provided further, that no funds shall be expended on instructional materials except where the purchase of such materials is part of a comprehensive plan to align the school or district curriculum with the Massachusetts curriculum frameworks; provided further, that preference in distributing funds shall be made for proposals which coordinate reform efforts within all



schools of a district in order to prevent conflicts between multiple reforms and interventions among the schools; provided further, that not more than \$1,200,000 of this amount shall be expended on the Commonwealth pilot school initiative established by the board in November 2006; provided further, that not less than \$50,000 shall be expended for a grant to be privately matched 2 to 1 for a study and plan to address school finance problems in Franklin County; provided further, that not more than \$200,000 of this amount shall be expended on regionalism study grants to explore methods of improving the delivery of education services in areas of declining student enrollment, including but not limited to, studies of fully regionalizing partial regional school districts, funding demographic studies to project future district enrollments, and exploring creative means of collaborating across regions, including sharing curriculum specialists, professional development providers, transportation services, and other educational and instructional interventions between regions; provided further, that the department shall issue a report, no later than February 1, 2008 and annually thereafter describing and analyzing all intervention and targeted assistance efforts funded by this item; provided further, that such report shall include but not be limited to: the number of school and school districts eligible to receive such assistance, the number of students attending school in said districts, the nature and type of intervention activities funded through this item, by school and school district, the number of teachers in professional development funded in part through this item, the number of districts with curricula or professional development systems aligned with the Massachusetts curriculum frameworks, and the number that are undertaking that effort with grants funded by this item, the number of outside vendors with whom the department has contracted to provide intervention and turnaround services, the amount each vendor has received, and the results obtained in each instance, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, before, and during the period of intervention and turnaround, and any other data relative to the successes achieved or challenges faced by the

effort to turn around schools, along with any legislative or budgetary recommendations for improving the initiative and increasing the success of all intervention efforts; provided further, that said report shall include an analysis of the number of districts with curriculum plans not aligned to the Massachusetts curriculum frameworks, along with any legislative and regulatory recommendations to address the issue; provided further, that said report shall indicate the number of schools which have accepted the Commonwealth pilot school model, the reforms which they have undertaken, and the number which have expressed interest in the pilot school option; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended on recurring school or school district expenditures unless the department and school district have developed a long term plan to fund such expenditures from the district's operational budget; provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2008 to allow for intervention and school and district improvement planning in the summer months, and provided further, that any funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary . . . . . \$9,100,434

7061-9411 For the creation of leadership academies for principals and superintendents pursuant to section 58 of chapter 15 of the General Laws; provided, that said training shall focus on expanding and increasing the capacity of the principal or superintendent to be an instructional and educational leader within the district or school; provided further, that said training shall include, but not be limited to: training in effective personnel evaluation, curriculum development, with a focus on aligning the district and school curriculum with the Massachusetts curriculum frameworks established pursuant

to chapter 69 of the General Laws, school based management skills, with a focus on distributed leadership, data analysis skills that enhance the capacity of the principal or superintendent to use student achievement data to drive instructional change, and techniques for developing collaborative relationships with parents and community organizations; provided further, that the department shall issue a report, not later than February 15, 2008, on the implementation of this initiative, which shall include, but not be limited to, the number of principals and superintendents who have been trained in such academies, the number who have expressed interest in such academies, the level of need for leadership training, the most commonly requested types of training, and a preliminary analysis of the effectiveness of the academies in improving the quality of instructional leadership in the commonwealth; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2008, to allow for principal and superintendent training which occurs in the summer months . . . . . \$1,000,000

7061-9412 For grants to cities, towns, and regional school districts for the purpose of planning for and implementing expanded learning time in the form of longer school days or school years at selected schools; provided, that implementation grants shall only be provided under this item to schools and districts which submitted qualifying applications which were approved by the department in fiscal year 2007; provided further, that in approving expanded learning time implementation grant applications, preference shall be given to districts with high poverty rates or a high percentage of students scoring in levels I or II on the Massachusetts Comprehensive Assessment System, those districts with plans that have the greatest potential for district-wide impact, those districts that plan to utilize partnerships with community-based organizations and institutions of higher education, and those districts with plans that include a comprehensive restructuring

of the entire school day and/or year to maximize the use of the additional learning time; provided further, that the department shall approve implementation plans that include an appropriate mix of additional time spent on core academics, additional time spent on enrichment opportunities such as small group tutoring, homework help, music, arts, sports, physical activity, and project-based experiential learning, and additional time for teacher preparation and/or professional development; provided further, that the department shall only approve implementation plans that assume not more than \$1,300 per pupil per year in future state appropriations of expanded learning time implementation funds; provided further, that in extraordinary cases the department may exceed the \$1,300 per pupil per year limit; provided further, that the department shall review all qualified proposals and award approved grants not later than August 15, 2007; provided further, that the department may expend up to \$250,000 on ELT planning grants as part of the department's School Redesign: Expanding Learning Time to Support Student Success grant; provided further, that to be qualifying, planning grant applications must contain, but need not be limited, to the process the district will use to create an expanded learning time implementation plan, the stated intent to convert one or more schools into an expanded learning time school that adds, on a mandatory basis for all students, no less than 300 more hours to the school schedule than is standard for the applying district; the rationale for expanding learning time including specific goals, and the anticipated number of schools and students that will participate in the expanded learning time initiative; provided further, that all school districts are eligible to apply for planning grants but not less than 60 per cent of said grants shall be awarded to qualifying districts where 25 per cent or more of students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that in awarding such grants, the department shall support the inclusion of districts not given such priority in order to demonstrate the efficacy and value of the program across a broad range of districts and schools relative to the socioeconomic status and achievement levels of students they



educate; provided further, that the department shall review all qualified proposals and award planning grants not later than November 1, 2007; provided further, that upon being awarded said planning grants each district will create a detailed expanded learning time implementation plan; provided further, that teachers, parents, community members, and partner organizations participate in the development of said implementation plan; provided further, that in carrying out the provisions of this item, funds may be expended by the department to evaluate the impact and effectiveness of the program; provided further, that the department shall issue an annual report, not later than February 1, 2008 on the implementation of plans in all participating districts; provided further, that said report shall include, but not be limited to: the names of schools and school districts participating; the number of students attending these schools and the nature and type of changes made in participating schools as a result of this program; provided further, that the report shall also include an anticipated budget for this program for the next fiscal year and a breakdown of the distribution of the \$1,300 per student by school; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education; provided further, that for the purpose of this item, appropriated funds may be expended through August 31st, 2008 to allow for planning and implementation during the summer months; provided further, that any grant funds distributed from this item to a city, town, or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further, that no funds shall be expended for personnel costs at the department of education . . . . . \$13,000,000

7061-9600 For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer inclusive concurrent enrollment programs for students with disabilities

as defined in section 1 of chapter 71B of the General Law  
ages 18-22; provided, that the grant program will be limited  
to said students that are considered to have severe disabilities  
and have been unable to achieve the competency determin-  
ation necessary to pass the Massachusetts Comprehensive  
Assessment System (MCAS) exam; provided further, that  
said students with disabilities shall be enrolled in credit or  
noncredit courses that include nondisabled students, including  
enrollment in noncredit courses or credit bearing courses in  
audit status for students who may not meet course  
prerequisites and requirements, and that the partnering school  
districts will provide supports, services and accommodations  
necessary to facilitate a student's enrollment; provided further  
that the department, in consultation with the board of higher  
education shall develop guidelines to ensure that the grant  
program promotes civic engagement and mentoring of faculty  
in state institutions of higher education, and supports college  
success, work success, participation in student life of the  
college community, and provision of a free appropriate public  
education in the least restrictive environment; provided  
further that not more than \$50,000 shall be distributed to the  
Board of Higher Education in order to increase the capacity of  
public institutions of higher education to include students  
with severe disabilities in the concurrent enrollment pilot  
program; provided further, that not more than \$25,000 shall  
be allocated to the Department of Education to provide  
training and technical assistance to school districts for  
program implementation; and provided further, that for the  
purpose of this item, appropriated funds may be expended  
through August 31, 2008

7061-9604 For teacher preparations	\$1,575,000
7061-9610 For matching grants of \$1,000 per enrolled child to Citizen Schools after-school learning programs for middle school children across the commonwealth including, but not limited to, those administered in Boston by Citizen Schools, in Lowell by Community Teamwork, Inc., in Malden by the Partnership for Community Schools, in New Bedford by Positive Action Against Chemical Addiction, in Springfield by The Martin Luther King Jr. Community Center and, in Worcester by the Greater Worcester YMCA, upon documentation by Citizen Schools of \$1 in private sector, local or	\$1,820,065

federal funds for every \$1 in state funds, and that all funds go to programs certified by Citizen Schools, Inc.; provided, that up to \$50,000 of the \$475,000 shall be available to Citizen Schools Inc. to support state-wide training and evaluation efforts, and to further establish the efficacy of the Citizen Schools program in promoting school success, high school completion and college and workforce success for low-income, at-risk students across the commonwealth . . . . . \$475,000

7061-9611 For grants or subsidies for after-school and out-of-school programs; provided, that preference shall be given to after-school proposals developed collaboratively by public and non-public schools and private community based programs; provided further, that the department shall fund only those applications which contain accountability systems and measurable outcomes, under guidelines to be determined by the department in consultation with the department of early education and care; provided further, that applicants shall detail funds received from all public sources for existing after school and out-of-school programs and the types of programs and type of students served by said funds; provided further, that funds may be directed to increase comprehensive after school and out of school time programming to school age children and youth during the school year and the summer, including but not limited to 21st century community learning centers programs; provided further, that funds from this item may be used for a variety of activities, including but not limited to: (1) academic tutoring and homework centers where content is linked to and based on the curriculum guidelines promulgated by said department, (2) programs which improve the health of students, including physical activities, athletics, nutrition and health education, and exercise, (3) art, theater, and music programs developed in collaboration with the Massachusetts cultural council, local cultural councils, or cultural organizations in the Commonwealth funded by the Massachusetts cultural council, (4) enrichment activities not otherwise provided during the school day, (5) advanced study for the gifted and talented, and (6) community service programs; provided further, that \$100,000 from this item shall be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled

children and services that include children where English is a second language, including but not limited to: increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; provided further, that the department of education shall consult the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and to coordinate programs and services for children and youth during after-school and out-of-school time programs; provided further, that the department shall select grant recipients not later than September 30, 2007, and shall report on the preliminary results of said grants not later than February 15, 2008, to the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2008 to allow for implementation of said programs during the summer months; and provided further that \$50,000 be directed to the Massachusetts After school Partnership to convene regional networks, to work with the department of education and the department of early education and care to support the implementation of school-community partnerships, and to submit a report by October 15, 2008, to the General Court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this line item . . . . . \$2,000,000

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending districts of students attending the Institute shall not be required to expend any funds for the cost of these students while in attendance at the Institute; provided further, that the Massachusetts Academy of Mathematics and Science shall provide professional development activities at the school located at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars; provided further, that the academy shall file a report with the joint committee on education and the house and senate committees on ways and



	means by February 1, 2008 detailing the professional development activities; provided further, that the department of education shall provide a subsidy to the Worcester Polytechnic Institute to operate a school of excellence in mathematics and science; and provided further, that not less than \$650,000 shall be expended for the University of Massachusetts at Lowell to develop, plan and conduct a pilot program in preparation for establishing a new program in math, science, engineering and technology for academically accelerated students in their final 2 years of high school . . . . .	\$2,025,231
7061-9614	For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws, provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; and provided further, that no funds shall be expended for personnel costs . . . . .	\$1,195,840
7061-9619	For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the institute shall have access to the Massachusetts education computer system; and provided further, that the institute may join the state buying consortium . . . . .	\$100,001
7061-9621	For the administration of a grant program for gifted and talented school children; provided, that the funds appropriated in this item shall be in addition to any federal funds available for the program; provided further, that priority shall be given to those grant applications that address the needs of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is 3 or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at 2 or more grade levels above the child's chronological age; or (3) a score on the math or verbal Scholastic Aptitude Test by a child of not more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; provided further, that the programs may be made available by a city, town or regional school district; and provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2008 . . . . .	\$765,000
7061-9626	For grants and contracts with youth-build programs for the purposes of providing comprehensive youth-build services . . .	\$2,270,500

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- 7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be solely responsible for administering a grant program for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided, that the department of education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to \$1 for every dollar disbursed from this item; provided further, that funds may be expended to support the mentoring activities of the planned learned achievement for youth program; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2007; and provided further, that not more than \$225,000 shall be expended for Camp Coca Cola New England to provide under-served youth development services with an emphasis on leadership training and community service ..... \$712,000
- 7061-9804 For teacher content training in math and science; provided, that said training shall include math specialist and Massachusetts test for educator licensure preparation; provided further, that funds from this item shall be expended on content based professional development in math and science, with a focus on increasing the content knowledge of elementary and middle school math and science teachers in districts with a high percentage of students scoring in level one or two on the math or science MCAS exams, or in districts which are at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided, that such professional development courses shall demonstrate proven, replicable results in improving teacher and student performance, and shall demonstrate the use of best practices, as determined by the department, including data comparing pre-training and post-training content knowledge; provided further, that the department shall report, not later than February 15, 2008, on the number of educators

provided content training under this item, the estimated number of math and science teachers currently teaching without certification, and any legislative or regulatory recommendations necessary to make middle school and elementary math and science education more rigorous and data driven; and provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended for personnel costs; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2008 ..... \$895,367

*Board of Higher Education.*

7066-0000 For the operation of the board of higher education; provided, that the board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education and approved by the secretary of administration and finance; provided further, that \$1,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and

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	students who participate in programs that support careers in fields related to nursing and allied health; provided further, that not less than \$250,000 shall be expended for the establishment of text-messaging emergency notification systems at the campuses of the university of Massachusetts and all state and community colleges in coordination with the department of public safety; and provided further, that not less than \$100,000 shall be provided for the prevention of campus violence .....	\$3,475,766
7066-0005	For the commonwealth's share of the cost of the compact for education .....	\$124,000
7066-0009	For the New England board of higher education; provided, that not less than \$100,000 shall be expended for the College Ready New England program .....	\$467,500
7066-0015	For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws .....	\$2,000,000
7066-0016	For a program of financial aid to support the matriculation of certain persons at public and private institutions of higher learning; provided, that only persons in the custody of the department of social services under a care and protection petition upon reaching the age of 18, or persons in the custody of the department matriculating at such an institution at an earlier age, shall qualify for such aid; provided further, that no such person shall be required to remain in the custody of the department beyond age 18 to qualify for such aid; provided further, that this aid shall not exceed \$6,000 per recipient per year; and provided further, that this aid shall be granted after exhausting all other sources of financial support .....	\$1,285,000
7070-0031	For the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the chancellor of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program .....	\$1,965,638
7070-0065	For a scholarship program to provide financial assistance to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved	



institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office shall expend not less than \$14,395,295 for Foster Furcolo community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than \$500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined under the federal methodology established under Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that residents who are not fully eligible for the federal HOPE tax credit based on their exceeding maximum income eligibility limits, shall not be eligible for the grants; provided further, that not less than \$9,896,550 shall be expended for state college access grants; provided further, that any Massachusetts resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that not less than \$8,697,220 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that \$3,148,902 shall be expended for the part-time student grant program; provided further, that the Massachusetts state scholarship office shall expend not less than \$20,773,508 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than \$350,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington

Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act, all financial assistance mentioned previously in this item shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by that program; provided further, that the state scholarship office may expend monies for the public service awards as established in section 16 of chapter 15A; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office, shall adopt regulations governing the eligibility and the awarding of financial assistance; provided further, that not more than \$1,689,945 shall be expended on the administration of the scholarship program; provided further, that not less than \$4,000,000 shall be expended on a scholarship program for all early childhood educators in the commonwealth pursuant to clause (10) of section 5 of chapter 15D of the General Laws; provided, that the board of higher education, acting jointly with the board of early education and care, shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the loan shall cover the cost of tuition, fees, and related expenses as determined by the boards for up to three courses per semester in degree granting programs for early educators who are pursuing associates, bachelors, or masters level degrees to meet the teacher and program quality standards of the department of early education and care; provided further, that eligible recipients shall be early educators and providers who are working in early education and care programs in the commonwealth and who commit to teaching in early education and care programs for a term of service after graduation to be determined by the boards; provided further, that preference shall be given to applicants identified by the local councils or by the regional offices funded by item 3000-2000 as highly

talented providers who have already displayed commitment to early childhood education as demonstrated by longevity in the field, who do not otherwise meet the program and quality standards of the department, but who have displayed talent and capability at working with young children that make them strong applicants for this scholarship opportunity; provided further, that not less than \$1,000,000 of said funds shall be expended on a pilot scholarship program for math and science teachers who have received waivers from certification regulations, and are "out of field teachers", so-called; provided further, that the board of higher education, acting in consultation with the board of education, shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarship shall cover the cost of tuition, fees, and related expenses as determined by the boards for up to three courses per semester in degree granting programs for math and science teachers who are taking higher education courses or pursuing degrees to meet the teacher certification requirements of the department of education; provided further, that eligible recipients shall be math and science teachers who are working in the commonwealth and who commit to continue teaching math and science for a term of service after graduation to be determined by the boards; provided further, that preference shall be given to applicants identified by their superintendent or principal as highly talented educators who have already displayed commitment to education and to instructional excellence, who do not otherwise meet the certification requirements of the department, but who have displayed talent and capability in working with children that make them strong applicants for this scholarship opportunity; provided further, that not less than \$850,000 shall be directed to One Family Inc. for the purposes of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level, or who have experienced homelessness within the previous 12 months; provided further that said funds shall be expended for scholarships and assistance with living ex-

penses at accredited institutions of higher learning in the commonwealth; provided further, that each scholarship shall be matched dollar-for-dollar by One Family Inc.; provided further, that the scholarship recipients in said program shall be monitored and tracked for their progress and that the results shall be reported to the commonwealth on a bi-annual basis through the board of higher education; provided further, that One Family Inc. shall work with the board of higher education on said program eligibility criteria and regulations; provided further, that One Family Inc. shall submit a report to the joint committee on ways and means no later than January 15, 2008; provided further, that said report shall include the number of applications for said grants in fiscal year 2008, number of awards granted, amount of said awards and program projections for fiscal year 2008; provided further, that not less than \$2,249,216 shall be provided for grants to residents of the commonwealth who are working as paraprofessionals in public schools of the commonwealth while pursuing a bachelor's degree at a public or independent college or university in the commonwealth in order to become a certified teacher in Massachusetts; and provided further, that eligibility shall be limited to persons who have worked as paraprofessionals in the public schools of the commonwealth for a minimum of two years before receipt of such grant, or who are enrolled in and pursuing courses of study that will lead to certification as a teacher in bilingual education, special education, math, science, or a foreign language, and who commit to teach and actually teach, for a period determined by the board of higher education, in the public schools of the commonwealth upon graduation and certification pursuant to section 38G of chapter 71 . . . . . \$93,874,051

7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated in this item shall be expended under the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item; provided further, that funds appropriated in this item shall support bioterrorism prevention research related to diseases that can be transmitted from animals to humans, in consultation with Massachusetts emergency authorities; and



provided further, that the school shall work in consultation with the Norfolk County Agricultural School on veterinary programs ..... \$5,325,000

7080-0200 For the Bay State Reading Institute, Inc.; provided, that the program shall be administered under contract to Middlesex Community College in programmatic collaboration with Fitchburg State College; provided further, that the Institute shall provide literacy based intervention in schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that schools not meeting the above criteria may be selected for assistance if they contribute not less than half of the cost of the services they receive; provided further, that preference in the awarding of said funds shall be given to schools and districts with a high percentage of minority or low-income students; provided further, that such school-wide literacy-based intervention programs shall be based on effective, research-based instruction in reading, as called for in Reading First; provided further, that in its evaluation of applications for said initiative, the executive director of said initiative may take into consideration schools' cumulative grade 3 MCAS scores; provided further, that such school-wide literacy-based intervention programs shall provide for the evaluation and tracking of all students' reading and writing skills at least annually, shall include measurable goals and benchmarks, shall be led by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that said initiative shall require that participating schools engage in frequent assessment of the progress of individual students, including diagnostics to pin-point the source of difficulty for struggling students, use small-group, student-centered instruction for a substantial part of the school day in order to allow teachers to meet the needs of individual students and differentiate instruction to help every student reach his or her potential, use research-based interventions that address the particular needs of struggling students, focus on literacy instruction, including

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	writing across the curriculum, monitor progress frequently to make sure that the strategies used with these students are working, and seek out additional funding for after-school time and for substitutes to give teachers an opportunity to plan together, to take a leadership role in implementing change, and to meet with and observe their peers in partner schools; provided further, that funds may be used for a program to train new reading coaches and reading coach trainers; and provided further, that funds appropriated in this item for said initiative may be expended through June 30, 2009 . . . . .	\$1,200,000
7520-0424	For a health and welfare reserve for eligible personnel employed at the community and state colleges . . . . .	\$5,082,464

*University of Massachusetts.*

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than \$350,000 shall be expended for the William Trotter Institute; provided further, that not less than \$500,000 shall be expended in fiscal year 2008 for the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that such funds shall be expended under a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than \$25,000 shall be expended for the maintenance of the cranberry bog at the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that the sum expended for the UMass Extension in fiscal year 2008 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and

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recommended by the UMass Extension Board of Public Overseers; provided further, that not less than \$250,000 shall be expended for the Future of Work Initiative at the University of Massachusetts Labor Centers at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that not less than \$368,000 shall be expended for the Maurico Gaston Institute for Latino Community Development and Public Policy at the University of Massachusetts at Boston; provided further, that not less than \$60,000 shall be expended for the Grace Grossman Inner-City Youth Collaborative at the University of Massachusetts Field Station on Nantucket; provided further, that not less than \$50,000 shall be expended for the 4-H program; provided further, that not less than \$150,000 shall be expended for an ongoing study by the University of Massachusetts at Amherst's agricultural department, of the winter moth worm and methods to minimize or eliminate its damage; provided further, that not less than \$500,000 shall be expended for the center for Portuguese Studies to operate at the University of Massachusetts at Dartmouth; and provided further, that not less than \$50,000 shall be expended for the UMASS Dartmouth Center for Business Research . . . . . \$469,012,776

7100-0300 For the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell, in accordance with section 6 of chapter 21I of the General Laws; provided, that not less than \$250,000 shall be expended for research on breast cancer prevention performed in collaboration with the University of Massachusetts at Lowell, the Silent Spring Institute and the Massachusetts Breast Cancer Coalition . . . . . \$1,917,454

7100-0500 For the operation of the board of higher education's Commonwealth College Honors program at the University of Massachusetts at Amherst . . . . . \$3,630,000

7100-0700 For the operation of the office of dispute resolution at the University of Massachusetts at Boston under section 46 of chapter 75 of the General Laws . . . . . \$166,440

### *State Colleges.*

7109-0100 For Bridgewater State College; provided, that not less than \$245,814 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications . . . . . \$38,387,830

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7110-0100 For Fitchburg State College; provided, that Fitchburg State College may expend funds to assist public schools in the cities of Gardner, Fitchburg and Leominster to build capacity, including professional development, infrastructure and hardware, for a pilot wireless learning initiative in Worcester county .....	\$26,997,992
7112-0100 For Framingham State College; provided, that not less than \$160,000 shall be expended for the regional economic research center; and provided further, that \$130,000 shall be expended for the operation of the commonwealth's global education centers .....	\$23,819,332
7113-0100 For the Massachusetts College of Liberal Arts; provided, that not less than \$350,000 shall be expended for capacity building through the wireless learning initiative in conjunction with the Massachusetts Technology Collaborative; and provided further, that of said \$350,000 not less than \$100,000 shall be expended for the assessment and evaluation of the higher education resources available to the residents of Berkshire County .....	\$13,937,728
7114-0100 For Salem State College; provided, that not less than \$200,000 shall be expended for the aquaculture program established under section 274 of chapter 38 of the acts of 1995; provided further, that not less than \$922,313 shall be expended for the second degree nursing program; and provided further, that not less than \$701,000 shall be expended for the operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem .....	\$38,695,577
7115-0100 For Westfield State College .....	\$22,702,354
7116-0100 For Worcester State College; provided, that not less than \$300,000 shall be expended for the Latino Education Institute .....	\$23,051,411
7117-0100 For the Massachusetts College of Art .....	\$14,520,602
7118-0100 For the Massachusetts Maritime Academy; provided, that not less than \$325,000 shall be expended for the development of an alternative energy source with Massachusetts Technology Collaborative .....	\$13,676,739

### *Community Colleges.*

7502-0100 For Berkshire Community College .....	\$9,160,939
7503-0100 For Bristol Community College .....	\$15,836,831



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7504-0100 For Cape Cod Community College; provided, that not less than \$126,652 shall be expended for the operation of the environmental technology, education and job training partnership; provided further, that the college shall coordinate the partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies .....	\$11,331,173
7505-0100 For Greenfield Community College .....	\$9,112,007
7506-0100 For Holyoke Community College; provided, that a position of Technical Assistant to the Director of the Kittredge Center for Business and Workforce development shall be established ...	\$18,302,808
7507-0100 For Massachusetts Bay Community College .....	\$13,911,783
7508-0100 For Massasoit Community College .....	\$20,010,940
7509-0100 For Mount Wachusett Community College; provided, that not less than \$100,000 shall be expended for the Latino education and family development program .....	\$12,428,684
7510-0100 For Northern Essex Community College .....	\$18,825,660
7511-0100 For North Shore Community College, including the post-secondary programs of the Essex Agricultural and Technical Institute operated by North Shore Community College; provided, that not less than \$250,000 shall be expended for the public policy institute and resource center .....	\$20,347,280
7512-0100 For Quinsigamond Community College .....	\$15,077,461
7514-0100 For Springfield Technical Community College; provided, that not less than \$535,206 shall be expended for the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation, as established by section 125 of chapter 273 of the acts of 1994; provided further, that the amount appropriated in this item shall include, but not be limited to, operating and maintaining cable television programming, dis-	

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	tance learning curricula, telecommunications-intensive company facilities, and a small business incubator; provided further, that funds shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property; provided further, that the college may expend revenues in an amount not to exceed \$575,000 received from rent, utility, and other charges for the operation and maintenance of the property; and provided further, that funds shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property . . . . .	\$24,367,621
7515-0100	For Roxbury Community College; provided, that not less than \$946,000 shall be expended for the operation of the Reggie Lewis Track and Athletic Center . . . . .	\$11,191,211
7515-0121	For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that the college may expend an amount not to exceed \$529,843 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; and provided further, that only expenses for contracted services associated with these events and for the capital needs of the facility shall be funded from this item; prior appropriation continued . . . . .	\$529,843
7516-0100	For Middlesex Community College . . . . .	\$19,759,003
7518-0100	For Bunker Hill Community College; provided, that \$108,000 shall be obligated for the life focus center . . . . .	\$20,522,309

### EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

#### *Office of the Secretary.*

8000-0000	For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided that, not more than \$100,000 shall be provided for the On-Site Academy in Gardner; and provided further, that	
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not less than \$300,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered by the chiefs of police for the city of Revere and the town of Winthrop .....		\$2,764,443
General Fund .....		15.0%
Highway Fund .....		85.0%
8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that any community that received funds through this item in fiscal year 2007 shall receive at least that amount in fiscal year 2008; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel and payments for non-related overtime; and provided further, that not later than March 15, 2008, the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to these grant recipients and descriptions of these grants .....		\$21,351,035
8000-0038 For the operation of a witness protection program pursuant to chapter 263A of the General Laws .....		\$500,000
8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers .....		\$50,202,122
8000-0054 For municipal police grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that these funds are intended for initial funding of 50 municipal officers, but not as a permanent subsidy; provided further, that the executive office of public safety in conjunction with representatives from municipal government and law enforcement, the house and senate committees on ways and means and the joint committee on public safety and homeland security shall develop a formula to distribute the funds; provided further, that grant recipients shall submit quarterly reports to the executive office of public safety, the house and senate committees on ways and means and the joint committee on public safety and homeland security which shall		

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- detail the fiscal and programmatic steps taken with the grant funds to enhance municipal policing efforts; and provided further, that not more than \$100,000 of the sum appropriated in this line-item for its costs to administer the program . . . . . \$4,000,000
- 8000-0060 For the costs associated with implementation of chapter 228 of the acts of 2000; provided, that the secretary of public safety may allocate funds appropriated in this item to agencies within the executive office of public safety . . . . . \$150,000
- 8000-0202 For the purchase and distribution of sexual assault evidence collection kits; provided, that no funds shall be expended in the AA object class; and provided further, that administrative resources provided from other items for the implementation of this program in fiscal year 2007 shall not be reduced in fiscal year 2008 . . . . . \$120,000
- 8000-0619 For the distribution of grants for city and fire district student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire risks caused by smoking; provided, that funds may be expended by the department of fire services for the purpose of performing grant related services and training . . . . . \$1,178,666

### *Office of Chief Medical Examiner.*

- 8000-0105 For the operation of the office of the chief medical examiner established pursuant to chapter 38 of the General Laws; provided, that the agency shall submit a report to the house and senate committees on ways and means not later than January 15, 2008 detailing the caseload of said office; and provided further, that said report shall include, but not be limited to, the number of toxicology tests, the reduction of turnaround time of toxicology tests and the reduction of the case backlog, the number of autopsies performed, the number of cases under the office's jurisdiction, the number of external exams performed, the number of cases determined to be homicides, and the number of cremations performed under the office's jurisdiction in 2006 and 2007 . . . . . \$7,719,907
- 8000-0106 For the operation and related costs of the state police crime laboratory; provided, that the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines, and chemicals shall be funded in this item in order to support the law enforcement efforts of the district attorneys, the state police and municipal



police departments; provided further, that the agency shall contract with a public institution to conduct testing for criminal cases; provided further, that the agency shall enter into agreements with the various district attorneys to provide forensic services for criminal cases brought forth by the commonwealth; provided further, that the practices and procedures of the state police crime laboratory shall be informed by the recommendations of the Forensic Sciences Advisory Board; provided further, that the agency shall report to the house and senate committees on ways and means, and the joint committee on public safety and homeland security, not later than December 31, 2007, concerning, but not limited to, the detailing of the number of cases introduced to the CODIS database, the number of confirmations attained from the CODIS database, and the number of cases referred to district attorney delineated by county ..... \$15,229,617

8000-0122 The office of the chief medical examiner may expend for its operations an amount not to exceed \$1,300,000 in revenues collected from fees for services provided by the chief medical examiner; provided, that notwithstanding any general or special laws to the contrary, for the purposes of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the agency may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..... \$1,300,000

*Criminal History Systems Board.*

8000-0110 For the operation of the criminal history systems board; including criminal justice information services, criminal offender record information services, firearms support services, and victim services; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B of the General Laws and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that the victim services position shall be in addition to any such positions approved as

of February 1, 1998; provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offender record information when qualifying applicants for state-assisted housing; provided further, that the board shall, not later than September 30, 2007, adopt regulations to: (a) assure that the distribution of criminal offender record information relates to the individual for whom the request has been made; (b) afford practical assistance in making corrections to a criminal offender record information report to an individual who submits evidence to the board that 1 or more charges in a criminal offender record information report distributed by the board and purportedly relating to that individual, in fact, do not relate to that individual; (c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law; and (d) require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report, is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report; provided further, that not later than January 1, 2008, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system; and provided further, that not less than \$346,417 shall be expended for a CORI training and audit unit . . . . . \$6,306,788  
Highway Fund . . . . . 50.0%  
General Fund . . . . . 50.0%

8000-0125 For the operation of the sex offender registry program, including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to the registry; provided, that the \$75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the Massachusetts Office for Victim Assistance . . . \$3,921,069

8100-0000 For the administration and operation of the department of state

police; provided, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of environmental affairs at no cost to, or compensation from, that office; provided further, that not less than \$2,710,146 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2007 shall receive 100 per cent of the amount so earmarked in fiscal year 2008; provided further, that not less than \$1,050,000 shall be expended to curb gang-related activities; provided further, that any municipality that was eligible to receive earmarked funds for curbing gang-related activities in fiscal year 2007 shall receive the same amount in fiscal year 2008; provided further, that not more than \$150,000 shall be provided for the State Courts Against Road Rage program; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 31, 2008, on traffic details worked by the department of state police, including troops A, B, C, D, E, F, and H, over the last 5 years, which shall detail,

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on a monthly basis: the total number of hours worked on traffic details by state police officers, the total amount paid to state police officers for traffic details, the standard hourly rates for traffic details done by state police officers and the city or town where traffic details are done by state police officers; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board ..... \$249,676,547

Highway Fund ..... 88.2%

General Fund ..... 11.8%

8100-0006 For private police details; provided, that the department may expend up to \$19,000,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2008 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2008 ..... \$19,000,000

8100-0007 For the overtime of state police officers including the operation of the drug enforcement task force; provided, that the department shall furnish, on a quarterly and annual basis, a report to the house and senate committees on ways and means outlining by category, division and cost in which overtime hours were worked; and provided further, that the report shall also include a calculation reviewing the reduced number of overtime hours worked and savings to the department resulting from the addition of the 77th, 78th, and 79th state police ..... \$7,911,359

Highway Fund ..... 88.20%

General Fund ..... 11.80%

8100-0011 The department may expend an amount not to exceed \$3,600,000 for certain police activities provided pursuant to



agreements authorized in this item; provided, that for fiscal year 2008, the superintendent of the state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the superintendent may enter into service agreements as may be necessary to enhance the protection of persons, as well as assets and infrastructure located within the commonwealth, from possible external threat or activity, provided that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the superintendent may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefore; and provided further, that notwithstanding any general or special law to the contrary for the purposes of

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	accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not exceed the lower of this authorization or the most recent revenue estimate . . . . .	\$3,600,000
	Highway Fund . . . . .	100.0%
8100-0012	The department of state police may expend for the costs of security services provided by state police officers, including overtime and administrative costs, an amount not to exceed \$900,000 from fees charged for these services; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . .	\$900,000
8100-0020	The department may expend an amount not to exceed \$135,000 in fees charged for the use of the statewide telecommunications system for the maintenance of the system . . . . .	\$135,000
8100-0101	The department of state police may expend for the Governor's Auto Theft Strike Force an amount not to exceed \$331,200 from fees for services performed through the auto etching program and from assessments upon the insurance industry . . . .	\$331,200

*Municipal Police Training Committee.*

8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the municipal police training committee; provided, that the committee shall expend not less than \$250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: (a) a combination of training manuals, seminars, computer based training and distance learning; (b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; (c) training presentations during and following monthly meetings of policy chiefs; (d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; (e) a statewide 3 day training conference on management, legal and leadership issues; provided further,

that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that not less than \$25,000 shall be provided for the purposes of additional rental and utility payments to the town of Boylston; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item . . . . . \$3,336,923

8200-0222 The committee may collect and expend an amount not to exceed \$1,363,500 for the purposes of providing training to new recruits; provided, that the committee shall charge \$2,500 per recruit for the training; provided further, that notwithstanding any general or special law to the contrary, the committee shall charge a fee of \$2,500 per person for training programs operated by the committee for all persons who begin training on or after July 1, 2007; provided further, that the fee shall be retained and expended by the committee; provided further, that the trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide the fee in full to the committee no later than the first day of orientation for the program in which such trainee or recruit has enrolled; provided further, that no recruit or person shall begin training unless the municipality or the person has provided the fee in full to the committee; provided further, that for recruits of municipalities, upon the completion of the program, the municipality shall deduct the fee from the recruit's wages in 23 equal monthly installments, unless otherwise negotiated between the recruit and the municipality in which the recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, the committee shall refund the municipality in which the recruit was to have served a portion of the fee according to the following schedule: if a recruit withdraws from the program before the start of week 2, 75 per cent of the payment shall be refunded; if a recruit withdraws from the program after the start of week 2 but before the start of week 3, 50 per cent of the fee shall be refunded; if a recruit withdraws from the program after the start of week 3 but before the start of week 4, 25 per cent of the fee shall be refunded; if a recruit withdraws after the start of week 4, the fee shall not be refunded; provided further, that a recruit who withdraws from the program shall

pay the municipality in which he was to have served the difference between the fee and the amount forfeited by the municipality according to the schedule; provided further, that the schedule shall also apply to trainees other than recruits who enroll in the program; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits; provided further, that the committee shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal years 2007 and 2008; provided further, that the report shall be submitted to the house and senate committees on ways and means no later than January 1, 2008; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the committee may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$1,363,500

*Department of Public Safety.*

8311-1000 For the administration of the department of public safety, including the board of building regulations and standards and the architectural access board; provided, that the department may charge fees for permitting the operation of amusement devices and to support the department's participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that not less than \$150,000 shall be expended to the University of Massachusetts Lowell Environmental Health and Safety Department for the use of fire resistant intumescent/refractory paint; provided further, that the department may charge fees for amusement operator certification; and provided further, that the salaries of the commissioner and the deputy commissioner of the department of public safety shall be paid from this item . . . . . \$1,341,542



- 8315-1000 For the administrative costs of the division of inspections; provided, that the expenses of the state boxing commission shall be paid from this item; provided further, that a doctor's certificate from another state shall be accepted as evidence of an eye examination; provided further, that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ not less than 42 full-time equivalent elevator inspectors, including an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such an additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA object class of this item; provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that the division shall develop reasonable rules or promulgate regulations for the granting of hardship fee exemptions to certain owners or persons in control of a building or domicile in which an elevator is operated; provided further, that the division shall report to the house and senate committees on ways and means on the elevator inspection backlog not later than October 1, 2007; provided further, that the division shall develop and maintain an electronic database that shall include, but not be limited to, the location and a categorical classification of buildings in which inspections are conducted; and provided further, that the division shall inspect all elevators in the state house and the McCormack office building . . . . . \$5,096,358
- 8315-1020 The department of public safety may expend not more than \$1,818,600 in revenues collected from fees for annual elevator and amusement park ride inspections; provided, that funds shall be expended for the operation of the department and for the purposes of addressing the existing elevator inspection backlog; provided further, that the department shall make efforts to employ inspectors that will perform overnight and weekend inspections as their regular work shift; provided further, that the department shall provide a full waiver of the inspection fee for an individual who requires a wheelchair lift

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as a medical necessity and whose annual income does not exceed the maximum allowable federal SSI benefit, or \$7,236 a year, whichever is greater; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most-recent revenue estimate as reported in the state accounting system . . . . . \$1,818,600

8315-1025 The department of public safety may collect and expend an amount not to exceed \$80,000 for the purposes of providing state building code training and courses for instruction; provided, that the agency may charge fees for the classes and education materials associated with administering training; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . \$80,000

*Department of Fire Services.*

8324-0000 For the administration of the department of fire services, including the state fire marshal's office, the Boston Fire Department training academy, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council and the operations of the Boston Fire Department training academy; provided, that the fire training program shall use the split days option; provided further, that \$1,296,000 shall be provided for the Commonwealth's Hazardous Material Response Teams; provided further, that \$500,000 shall be provided for the Boston Fire Department Hazardous Material Response Teams; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office and

the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2008 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; and provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire and Rescue Dispatch Center; and provided further, that not less than \$100,000 shall be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment and supplies . . . . . \$14,557,596

8324-0304 The department of fire services is hereby authorized to expend for the purposes of enforcement and training an amount not to exceed \$300,000 from revenue generated under chapter 148A

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	of the General Laws and sections 8 and 9 of chapter 304 of the acts of 2004 .....	\$300,000
8324-1101	For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws and the rules and regulations adopted under those sections .....	\$109,282

### *Registry of Motor Vehicles.*

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and under schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, under section 183 of chapter 6 of the General Laws; provided further, that the registry shall operate a full-service branch in the town of Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that not less than \$218,000 shall be expended to operate a license express office in the city of Lynn; provided further, that the registry shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, the registry shall operate a license express office in the town of Walpole; provided further, that the registry shall operate a license express office in the town of Falmouth; provided further, that the registry may operate a full-service office in the city of Lowell; provided further, that the registry may operate a license express office in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton and the town of Plymouth which shall handle license business, learner's permits, road



testing and full service registration business to the general public; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that the record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that the registry may operate within the Springfield branch a one-stop international registration plan office for truck registrations to serve the counties of Hampden, Hampshire, Franklin and Berkshire . . . . . \$53,698,479

Highway Fund . . . . . 100.0%

8400-0016 For the operation of the motorcycle safety program . . . . . \$252,607

8400-0100 For the operation of the safe driver insurance plan authorized pursuant to section 113B of chapter 175 of the General Laws, including the rent, related parking and utility expenses of the merit rating board; provided, that notwithstanding any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws . . . \$8,866,697

Highway Fund . . . . . 100.0%

*Military Division.*

8700-0001 For the operation of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; provided, that notwithstanding chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades; provided further, that the division may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services; and provided further, that the adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws . . . . . \$7,345,030

8700-0005 The military division may expend for the operation of the Pilgrim Power Plant mission an amount not to exceed \$927,000 from fees for services provided by the division; provided, that

	notwithstanding any general or special law to the contrary, for the purposes of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system . . . . .	\$927,000
8700-1140	The state quartermaster may expend an amount not to exceed \$400,000 from revenues collected for the purposes described in this item; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities and maintenance; and provided further, that the state quartermaster may expend an amount not to exceed \$250,000 for salaries, subsistence, quarters, and associated costs for national guard soldiers ordered to perform state missions under chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses . . . . .	\$400,000
8700-1150	For reimbursement of the costs of the Massachusetts national guard tuition and fee waivers under section 19 of chapter 15A of the General Laws; provided, that no funds shall be distributed from this item prior to certification by the state and community colleges and the University of Massachusetts of the actual amount of tuition and fees waived for national guard members attending public institutions of higher education under said section 19 of said chapter 15A that would otherwise have been retained by the campuses, according to procedures and regulations promulgated by the military division of the Massachusetts national guard; provided further, that funds from this item may be expended through August 31, 2008 for the reimbursement of the tuition and fees waived for classes taken during the summer months; provided further, that the military division of the Massachusetts national guard and the board of higher education shall issue a joint report not later than February 15, 2008 on the implementation of this waiver; provided further, that the report shall be submitted to the secretary of administration and finance, the chairs of the house and senate committees on ways and means, the house and senate chairs of the joint committee on veterans and federal affairs and the house and	

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senate chairs of the joint committee on higher education; and provided further, that the military division may expend funds from this item for administrative services. . . . . \$4,424,492

*Massachusetts Emergency Management Agency.*

8800-0001 For the operations of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities . . . . . \$1,429,591

8800-0100 For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of the program, including fringe benefits and indirect costs, shall be assessed upon Nuclear Regulatory Commission licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by the department . . . . . \$404,075

8800-0200 For the Seabrook nuclear safety preparedness and radiological emergency response plan evaluations program; provided, that the cost of the program, including associated fringe benefits and indirect costs, shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of this item, "electric companies" shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term "electric company" shall not include municipalities or municipal light plants . . . . . \$289,334

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8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term 'electric companies' shall not include municipalities or municipal light plants; provided further, that not less than \$75,000 shall be expended for Phase 3 of the monitoring update for C-10 of Newburyport; provided further, that this expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2008 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels . . . . . \$165,356

### *Department of Correction.*

8900-0001 For the operation of the commonwealth's department of correction; provided, that the department shall expend not less than \$1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the



secretary of public safety shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$80,000 shall be provided for the Dismas House in Worcester; provided further, that the department shall expend not less than \$750,000 to the municipality hosting the facility at Cedar Junction; provided further, that in an effort to monitor and reduce current levels of over-classification, the department of correction shall provide quarterly reports to the joint committee on public safety and the house and senate committees on ways and means with data on the number of prisoners at each security level; provided further, that not less than \$200,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the parole board and the sex offender registry board; provided further, that not less than \$150,000 shall be expended to the Black Men of Greater Springfield, Inc. so-called, in Springfield to act as the lead agency for programs to reduce incarcerations, recidivism, gang-violence, and promote good citizenship; and provided further, that \$192,000 shall be expended for the community that hosts the Bay State Correctional Center . . . . . \$474,260,601

8900-0010 For prison industries and farm services . . . . . \$2,798,980

8900-0011 For a prison industries and farm services revenue retention account; provided, that the department may expend an amount not to exceed \$2,600,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this

	item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system . . . . .	\$2,600,000
8900-0045	The department of correction may expend for the operation of the department, including personnel-related expenses, an amount not to exceed \$3,000,000 from revenues received from federal inmate reimbursements; provided, that \$900,000 from these reimbursements shall not be available for expenditure and shall be deposited in the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$3,000,000
8900-1100	For re-entry programs at the department of corrections intended to reduce recidivism rates; provided, that said programs shall be in addition to those provided in fiscal year 2006; and provided further, that not less than \$200,000 be expended for the operation of SPAN, Inc. . . . .	\$1,200,000

*County Correction.*

8910-0000 For a reserve to fund county correctional programs; provided, that funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds appropriated in this item shall be in addition to and contingent on item 1599-7092; provided further, that funds made available to Plymouth county may be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place the funds in a separate account within

the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by object class and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2008 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding

the other provisions in this item, sheriffs may purchase "marked" prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that the revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2007, each county sheriff shall submit a final spending plan for fiscal year 2008 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2007, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2007; provided further, that \$60,000 shall be expended for the operation of the Barnstable County Sheriff's Office Reentry Program; provided further, that on or



before September 15, 2007, the county government finance review board shall have approved final fiscal year 2008 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2007; provided further, that such budgets shall include distribution schedules for the final 2 quarters of fiscal year 2008 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2008, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2007 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2008, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2008 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2008 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further,

that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2007, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2008, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2007 . . . \$191,352,937

8910-0002 For the administration of a sex offender warrant unit program in the Barnstable county sheriff's office; provided, that the unit shall support the regional Cape Cod sex offender management task force, provide address verification and maintain a regional sex offender database for local law enforcement . . . . . \$155,040

8910-0003 For 2 regional behavioral evaluation and stabilization units to provide forensic mental health services within existing physical facilities for incarcerated persons in the care of correctional facilities in the commonwealth; provided, that 1 unit shall be located in Hampden county to serve the needs of incarcerated persons in the care of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties; provided further, that 1 unit shall be located in Middlesex County to serve the needs of incarcerated persons in the care of Barnstable, Bristol, Dukes, Essex, Nantucket, Middlesex, Norfolk, Plymouth, and Suffolk counties; provided further, that the services of the units shall be made available to incarcerated persons in the care of the department of correction; provided further, that the Massachusetts sheriffs'

association, in conjunction with the department of correction, shall prepare a report that shall include, but not be limited to: (a) the number of incarcerated persons in facilities located in counties that were provided services in each unit; (b) the number of incarcerated persons in department of correction facilities that were provided services in each unit; (c) the alleviation in caseload at Bridgewater state hospital associated with fewer incarcerated persons in the care of counties being attended to at the hospital; and (d) the estimated and projected cost-savings in fiscal year 2008 to the sheriff departments and the department of correction associated with the regional units; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than March 15, 2008; and provided further, that the department of mental health shall maintain monitoring and quality review functions of the units ..... \$2,600,000

8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2008; provided, that the department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of these expenses to be charged to this item; provided further, that upon receiving such certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that these actual and projected payments shall be considered expenditures within each county spending plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2 ..... \$2,700,829

*Sheriffs.*

8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampden county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007; and provided further, that \$88,000 shall be

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	expended for a re-entry initiative program within the Hampden sheriff's department .....	\$68,251,483
8910-0105	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007 .....	\$44,841,583
8910-0107	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Middlesex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007 .....	\$64,445,324
8910-0108	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Franklin county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007 .....	\$8,513,355
8910-0110	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007; and provided further, that \$225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton ...	\$12,361,376
8910-0145	For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007 .....	\$15,347,658
8910-0160	For a retained revenue account for the Middlesex sheriff's department for reimbursements from the federal government	



for costs associated with the incarceration of federal inmates at the Billerica house of correction; provided, that the department may expend for the operation of the department an amount not to exceed \$850,000 from revenues collected from the incarceration of federal inmates; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system . . . . . \$850,000

8910-0188 The Franklin sheriff's department may expend for the operation of the department an amount not to exceed \$1,300,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . . \$1,300,000

8910-0445 The Berkshire sheriff's department may expend an amount not to exceed \$200,000 from revenues generated from the operation of the Berkshire county communication center's 911 dispatch operations and other law enforcement related activities, including the Berkshire county sheriff prison industries program; provided, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system . . . . . \$200,000

8910-0446 The Berkshire sheriff's department may expend an amount not to exceed \$1,100,000 from revenues collected from the city of Pittsfield public school system; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the

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	receipt of retained revenues and related expenditures, the sheriff's office may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system; and provided further, that expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system . . . . .	\$1,100,000
8910-0619	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2007 . . . . .	\$44,503,974
8910-0888	For a prison industries revenue retention account for the Franklin sheriff's department; provided, that the department may expend any amount not to exceed \$100,000 from revenues collected from the sale and production of printed materials manufactured at the sheriff department's print shop; provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system. . . . .	\$100,000
8910-1000	For a prison industries revenue retention account for the Hampden sheriff's department; provided, that the department may expend any amount not to exceed \$1,594,460 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities, reimbursement for community service projects and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system . . . . .	\$1,594,460
8910-1100	For a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed \$150,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of	

	the General Laws and recorded in the Massachusetts management accounting and reporting system . . . . .	\$150,000
8910-1111	The Hampshire sheriff's department may expend for the operation of the department an amount not to exceed \$163,000 from revenues received from federal inmate reimbursements; provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$163,000
8910-1112	The Hampshire county sheriff may expend for the operation of the Hampshire county regional lockup at the Hampshire county jail an amount not to exceed \$900,000 in revenue; provided, that that the sheriff shall enter into agreements to provide detention services to various law enforcement agencies and municipalities and shall determine and collect fees for those detentions from the law enforcement agencies and municipalities . . . . .	\$900,000
8910-2222	The Hampden sheriff's department may expend for the operation of the department an amount not to exceed \$320,000 from revenues received from federal inmate and federal overtime reimbursements; provided, that \$312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . .	\$320,000
8910-6619	The Essex sheriff's department may expend for the operation of	

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the department an amount not to exceed \$2,000,000 from revenues received from federal inmate reimbursements; provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into the General Fund before the retention by the department of any of these revenues as certified by the comptroller; provided further, that the quarterly payments shall total \$600,000 in fiscal year 2008; provided, that said sheriff may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . \$2,000,000

8910-7101 For the operation of the Massachusetts sheriffs' association; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that this staff shall not be subject to section 45 of chapter 30 or chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the executive director of the association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2008; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 1, 2008 . . . \$344,400

*Parole Board.*

8950-0001 For the operation of the parole board . . . \$17,593,969  
8950-0002 For the victim and witness assistance program of the parole board  
under chapter 258B of the General Laws . . . \$286,710



8950-0008 For the operation of the parole board’s sex offender management program and the supervision of high-risk offenders, the parole board may expend an amount not to exceed \$600,000 from revenues collected from fees charged for parolee supervision; provided, that the parole board shall file a report with the house and senate committees on ways and means not later than February 1, 2008, which shall include, but not be limited to, the number of parolees participating in the program and the reincarceration rate of participating parolees . . . . . \$600,000

**DEPARTMENT OF ELDER AFFAIRS.**  
*Office of the Secretary.*

9110-0100 For the operation of the executive office and regulation of assisted living facilities; provided, that the secretary shall continue to support community care ombudsman services; and provided further, that the executive office of elder affairs shall report annually to the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for such units . . . . . \$2,916,031

9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs’ vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of said chapter 19A; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to said section 39 of said chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that the executive office shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit

or cap the number of enrollees in the program; provided further, that this program is subject to appropriation and expenditures shall not exceed, in fiscal year 2008, the amount authorized in this item; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the general court; provided further, that the department shall file all legislation required to implement such actions for review and analysis by the general court; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans; or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; provided further, that the secretary shall not implement cost sharing increases during fiscal year 2008 unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court; provided further, that a person shall also be eligible to enroll in the program at any time within a year after reaching age 65; and provided further, that the department shall allow those who meet the program eligibility criteria to enroll in the program at any time during the year ..... \$63,791,054

9110-1500 For the provision of enhanced home care services, including case management to elders who meet the eligibility requirements of the home care program and who need services above the level customarily provided under the program to remain safely at home, including elders previously enrolled in the managed care in housing, enhanced community options, and chronic care enhanced services programs; provided further, that the secretary shall actively seek to obtain federal financial

	participation for any and all services provided to seniors who qualify for medicaid benefits pursuant to the section 2176 waiver; provided further, that the executive office shall collect income data on persons receiving services provided in this item; provided further, that the executive office shall submit a report to the house and senate committees on ways and means detailing the population served by this item delineated by both 2007 federal poverty line income levels and 2007 social security income standards; provided further, that the report shall be submitted not later than February 1, 2008; and provided further, that the executive office shall submit a report not later than October 15, 2007 to the house and senate committees on ways and means which shall include the number of individuals on a waiting list for these services on October 1, 2007, compared to the number of individuals on a waiting list on July 1, 2007	\$47,410,832
9110-1604	For the operation of the supportive senior housing program at state or federally-assisted housing sites; provided, that the funds shall be expended to fully fund existing sites	\$4,188,633
9110-1630	For the operation of the elder home care program, including contracts with aging service access points or other qualified entities for the home care program, home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$7,500,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06;	

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provided further, that no rate increase shall be awarded in fiscal year 2008 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services which would cause a reduction in client services; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated in this item to item 9110-1633 for case management services and the administration of the home care program . . . . . \$105,224,938

9110-1633 For the operation of the elder home care case management program, including contracts with aging service access points, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; provided further that no funds appropriated in this item shall be expended for the enhancement of management information systems; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1630 . . . . . \$39,869,177

9110-1636 For the elder protective services program, including protective services case management, guardianship services, the statewide elder abuse hotline, and the elder-at-risk program; provided, that not less than \$800,000 shall be expended for money management services . . . . . \$15,009,445

9110-1640 For the Geriatric Mental Health Services program, including residential care, case management, and day treatment services, to deinstitutionalize or divert elders with serious and persistent mental illness from institutionalized settings . . . . . \$225,000

9110-1650 For the family caregivers program . . . . . \$250,000

9110-1660 For congregate and shared housing services for the elderly; provided, that \$375,000 shall be expended for an aging-in-place pilot project operated by of Jewish Family & Children's Service of Greater Boston (JF&CS) in Brookline and Malden,



	and by Jewish Family Service of Metrowest (JFS/MW) in Framingham; provided further, that not less than \$216,000 shall be allocated to the Helping Elders at Risk Through Homes (HEARTH) program; provided further, that \$150,000 shall be used to fully fund a supportive housing program at Edward F Doolan Apartments in the city of Fall River; provided further, that an amount \$75,000 shall be expended for the Jewish Family Services of Western Massachusetts to implement the Aging-Well at Home Program in Springfield; provided further, that no less than \$75,000 shall be expended to fund the aging-in-place pilot project operated by the Jewish Family Service of the North Shore in Swampscott; provided further, that not less than \$75,000 shall be expended for the multicultural Alzheimer's service project of Springfield; and provided further that not less than \$50,000 be expended for the Tuttle House facility in Dorchester . . . . .	\$2,622,873
9110-1700	For residential assessment and placement programs for homeless elders; provided, that \$50,000 shall be expended for Living Waters Ministry of Hope for homeless outreach programs . . . .	\$350,000
9110-1900	For the elder lunch program; provided further, that not less than \$40,000 shall be expended for a youth/elder outreach position at the Roche Family Community Center in West Roxbury; provided, that not less than \$50,000 shall be expended for the Senior FarmShare program; provided further, that not less than \$15,000 shall be expended for the Grandparents as Parents Initiative; and provided further that \$350,000 shall be expended for Community Physicians Associates for the purposes of administering a geriatrics program which shall include, but not be limited to inpatient care, outpatient care, rehabilitation and post-acute care, long-term care and assisted living counseling, and education of caregivers . . . . .	\$6,325,303
9110-9002	For the local services program for grants to the councils on aging and for grants to or contracts with non-public entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided further, that not less than \$60,000 shall be provided to the LGBT Aging; and provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means . . . . .	\$7,885,000

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### LEGISLATURE.

#### *Senate.*

9500-0000 For the operation of the Senate ..... \$18,964,007

#### *House of Representatives.*

9600-0000 For the operation of the house of representatives ..... \$33,658,753

#### *Joint Legislative Expenses.*

9700-0000 For the joint operations of the legislature ..... \$6,980,895

#### *Commission on the Status of Women.*

0950-0000 For the commission on the status of women ..... \$248,900

**SECTION 2B.** Notwithstanding any general or special law to the contrary, the agencies listed in this section may expend the amounts listed in this section for the provision of services to agencies listed in section 2. All expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws. All revenues and other inflows shall be based on rates published by the seller agency that are developed in accordance with cost principles established by the United States Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." All rates shall be published within 30 days of the enactment of this section. No expenditures shall be made from the Intragovernmental Service Fund which would cause that fund to be in deficit at the close of fiscal year 2008. All authorizations in this section shall be charged to the Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the General Laws. Any balance remaining in that fund at the close of fiscal year 2008 shall be transferred to the General Fund.

### OFFICE OF THE SECRETARY OF STATE.

0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library .... \$16,000

0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch, may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state may expend revenues not to exceed \$100,000 of such funds received for the costs of such obsolete record destruction; and provided further, that such fees shall be charged on an equitable basis ..... \$100,000

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### *Office of the State Comptroller.*

- 1000-0005 For the cost of the single state audit for the fiscal year ending June 30, 2008; provided, that the comptroller is hereby authorized to charge other appropriations and federal grants for the cost of said audit ..... \$750,000
- 1000-0008 For the costs of operating and managing the MMARS and New MMARS accounting system for fiscal year 2008 ..... \$2,349,100

## **EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

### *Division of Capital Asset Management and Maintenance.*

- 1102-3224 For the costs for the Leverett Saltonstall lease and occupancy payments; provided, that the division of capital asset management and maintenance shall submit to the house and senate committees on ways and means on or before the first of each month beginning July 1, 2007 a monthly report on the agencies that currently, or will during fiscal year 2008 occupy space in the Saltonstall building, their rental costs, utility costs, parking space allocation, floor space, lease dates, all services included in the lease and all services that the agencies are obligated to fund beyond the lease payments; and provided further, that the report shall include both estimated payments and prior expenditures ..... \$11,217,734

### *Bureau of State Office Buildings.*

- 1102-3333 For the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities using state facilities ..... \$165,000
- 1102-3336 For the operation and maintenance of the space in the Hurley state office building occupied by the division of unemployment assistance ..... \$3,318,743

### *Reserves.*

- 1599-2040 For the payment of prior year deficiencies based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, subject to the conditions stated in this item; pro-

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vided further, that the comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item; provided further, that the comptroller shall report with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed \$1,000 including the amount of the chargeback, the item and object class charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item, object class charged and the reason for the prior year deficiency . . . . . \$10,000,000

1599-3100 For the cost of the commonwealth’s employer contributions to the Unemployment Compensation Fund and the Medical Security Trust Fund; provided, that the secretary for administration and finance shall authorize the collection, accounting and payment of such contributions; and provided further, that in executing these responsibilities the comptroller may charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth’s contributions are determined, including expenses, interest expense or related charges . . . . . \$26,600,000

*Division of Human Resources.*

1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the division shall charge to other items for the cost of participants enrolled in programs sponsored by the division or to state agencies employing such participants; provided further, that the division may collect from participating state agencies a fee sufficient to cover administrative costs of the commonwealth’s performance recognition programs and to expend such fees for goods and services rendered in the administration of these programs; and



	provided further, that the division may charge and collect from participating state agencies a fee sufficient to cover administrative costs and expend such fees for goods and services rendered in the administration of information technology services related to the human resources compensation management system program . . . . .	\$200,000
1750-0105	For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items or state agencies for costs incurred on behalf of these state agencies; provided further, that the secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that no funds shall be expended from this item that would cause the item to be deficient; provided further, that the secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2008 to the house and senate committees on ways and means no later than February 29, 2008; provided further, that in accordance with chapter 177 of the acts of 2001, the secretary of administration and finance shall charge state agencies in fiscal year 2008 as provided in this item for workers' compensation costs, including related administrative expenses incurred on behalf of the employees of the agencies; provided further, that administrative expenses shall be allocated; provided further, that the personnel administrator shall administer the charges on behalf of the secretary, and may establish such rules and procedures as deemed necessary to implement this item; provided further, that the personnel administrator shall: (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2008; (2) notify agencies of the amount of their estimated workers compensation charges for the fiscal year; and (3) require agencies to encumber funds in an amount sufficient to meet the estimated charges; provided further, that the estimated charges for each agency in the fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2007, and may include such additional amounts as the human resources division finds necessary under regulations adopted under this item; provided	

further, that the division may adopt a program of incentives for agencies to reduce agencies' claims; provided further, that for any agency that fails within 30 days of the effective date of this act to encumber funds sufficient to meet the estimated charges, the comptroller shall so encumber funds on behalf of that agency; provided further, that the personnel administrator shall: (1) determine the amount of the actual workers' compensation costs incurred by each agency in the preceding month, including related administrative expenses; (2) notify each agency of the amounts; and (3) charge the amounts to each agency's accounts as estimates of the costs to be incurred in the current month; provided further, that notwithstanding any general or special law to the contrary, any balance remaining in the Intergovernmental Service Fund, at the close of fiscal year 2007 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2007 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2008; provided further, that the personnel administrator may expend in fiscal year 2008 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; and provided further, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs for prior fiscal years . . . . . \$56,401,355

1750-0106 For the workers' compensation litigation unit, including the costs of personnel . . . . . \$614,000

*Operational Services Division.*

1775-0800 For the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel . . . \$7,600,000

1775-1000 For printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the secretary for administration and finance shall charge to other items of appropriation within the agencies of the executive branch for such services, including the costs of personnel . . . . . \$1,000,000

*Information Technology Division.*

1790-0200	For the cost of computer resources and services provided by the information technology division in accordance with the policies, procedures and rates approved by the secretary for administration and finance, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that the secretary shall charge other items of appropriation for the cost of the resources and services; provided further, that notwithstanding any general or special law to the contrary, charges for the cost of computer resources and services provided by the bureau of computer services for the design, development, and production of reports and information related to the analysis, development and production of appropriations bills and other legislation shall not be charged to any item of appropriation of the executive office for administration and finance, the house of representatives, the senate or any joint legislative account in fiscal year 2008; provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing the total charges, payments and services provided for the preceding quarter from each department charged to this item; provided further, that the reports shall include, but not be limited to, a delineation of the rates charged to each department as approved by the secretary for administration and finance for each service performed by the division; and provided further, that the secretary for administration and finance shall establish regulations, procedures and a schedule of fees including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel . . . . .	\$49,000,000
1790-0400	For the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided pursuant to section 51 of chapter 30 of the General Laws . . . . .	\$2,282,047

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and

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	other data, the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the Environmental Monitor .....	\$350,000
2030-1002	For the costs of overtime and special details provided by the office of environmental law enforcement .....	\$160,000

### EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

#### *Office of the Secretary.*

4000-0102	For the cost of transportation services for health and human services clients and the operation of the health and human services transportation office .....	\$7,252,388
4000-0103	For the costs of core administrative functions performed within the executive office of health and human services; provided, that the secretary of the executive office of health and human services may, notwithstanding any general or special law to the contrary, identify administrative activities and functions common to the separate agencies, departments, offices, divisions, and commissions within the executive office and may designate such functions "core administrative functions" in order to improve administrative efficiency and preserve fiscal resources; provided further, that common functions that may be designated core administrative functions include, human resources, financial management, information technology, legal and facilities; provided further, that all employees performing functions so designated may be employed by the executive office, and the executive office shall charge the agencies, departments, offices, divisions, and commissions for such services; provided further, that upon the designation of a function as a core administrative function, the employees of each agency, department, office, or commission who perform such core administrative functions may be transferred to the executive office of health and human services; provided further, that the reorganization shall not impair the civil service status of any such transferred employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws; and provided further, that nothing in this item	



shall impair or change an employee's status, rights, or  
benefits under chapter 150E of the General Laws . . . . . \$26,632,346

*Massachusetts Commission for the Deaf and Hard of Hearing.*

4125-0122 For the costs of interpreter services provided by commission  
staff; provided, that the costs of personnel may be charged to  
this item; and provided further, that for the purpose of  
accommodating discrepancies between the receipt of retained  
revenues and related expenditures, the commission may incur  
expenses and the comptroller may certify for payment  
amounts not to exceed the lower of this authorization or the  
most recent revenue estimate as reported in the state  
accounting system . . . . . \$200,000

*Department of Public Health.*

4510-0108 For the costs of pharmaceutical drugs and services provided by  
the state office for pharmacy services in this section called  
SOPS; provided, that SOPS shall notify in writing all  
agencies listed below of their obligations under this item by  
July 31, 2007; provided further, that SOPS shall provide  
pharmacy services for the following agencies: the department  
of public health, the department of mental health, the  
department of mental retardation, the department of  
correction, and the sheriff's departments of Franklin,  
Hampden and Plymouth; provided further, that the Soldiers'  
Home in Massachusetts, the Soldiers' Home in Holyoke, the  
department of youth services, and the sheriff's departments of  
Worcester, Middlesex, Hampshire, Berkshire, Essex, Suffolk,  
Norfolk, Bristol, Barnstable and Dukes shall submit reports  
to SOPS, the house and senate committees on ways and  
means, and the secretary of administration and finance, not  
later than September 15, 2007, detailing their pharmaceutical  
drug and service costs for fiscal year 2007; provided further,  
that on December 1, 2007, SOPS shall become the sole  
provider of pharmacy services for any agency failing to  
submit said report and for any agency who fails to submit all  
of the information required by SOPS to perform an adequate  
cost analysis; provided further, that not later than  
December 15, 2007 SOPS shall submit a report to the house  
and senate committees on ways and means and the secretary  
of administration and finance detailing the cost estimates for

SOPS to provide the same level of service as the current provider of pharmacy services for: the Soldiers' Home in Massachusetts, the Soldiers' Home in Holyoke, the department of youth services, and the sheriff's departments of Worcester, Middlesex, Hampshire, Berkshire, Essex, Suffolk, Norfolk, Bristol, Barnstable and Dukes; provided further, that if the report provides data indicating that SOPS can provide the same level of service more cost effectively than the present provider of pharmacy services, then 30 days after the submission of said report SOPS shall become the pharmacy service provider for those agencies; provided further, that SOPS shall continue to work to reduce medication costs, provide standardized policies and procedures in a clinically responsible manner, provide comprehensive data analysis and improve the quality of clinical services; provided further, that SOPS shall report to the house and senate committees on ways and means by June 30, 2008, on the savings realized by each agency listed above in comparison to their pharmacy costs in fiscal year 2007; and provided further, that the report shall also provide recommendations for the inclusion of other entities that may realize a cost savings by joining SOPS . . . . \$45,786,520

4590-0901 For the costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including, but not limited to, capital repair and the maintenance and motor vehicle replacement; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system . . . . \$150,000

4590-0903 For the costs of medical services provided at the department of public health Lemuel Shattuck hospital to inmates of the county correctional facilities; provided, that the costs shall be charged to items 8910-0000, 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145 and 8910-0619 of section 2 pursuant to the provisions thereof; provided further, that expenditures from this item shall be for

hospital-related costs including, but not limited to, capital repair and the maintenance and motor vehicle replacement; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system . . . . . \$3,800,000

*Department of Mental Retardation.*

5948-0012 For a program providing alternatives to residential placements for children with mental retardation, including the costs of intensive home-based supports, provided in item 7061-0012 of section 2 . . . . . \$8,000,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Department of Highways.*

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the operational services division and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel . . . . . \$1,000,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*State Police.*

8100-0002 For the costs of overtime associated with requested police details; provided, that for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system . . . \$6,481,181

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of the system . . . \$156,375

*Military Division.*

8700-1145 For the costs of utilities and maintenance and for the implement-

ation of energy conservation measures with regard to the state  
armories ..... \$500,000

*Department of Correction.*

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary and renovation and construction services; provided, that the costs for renovation and construction services shall not exceed the amount established by the operational services division; and provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program ..... \$6,050,000

**SECTION 2D.** The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June 30, 2007, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year 2008, in addition to any amount appropriated in this section.

**JUDICIARY.**

*Supreme Judicial Court.*

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program ..... \$256,873  
0320-1701 For the purpose of a federally funded grant entitled, CIP Data Sharing Grant ..... \$175,000

**DISTRICT ATTORNEYS.**

*Northern District Attorney.*

0340-0237 For the purposes of a federally funded grant entitled, Children’s Advocacy Center National Network ..... \$10,000

*Plymouth District Attorney.*

0340-0908 For the purposes of a federally funded grant entitled, Weed and Seed Campello ..... \$175,000  
0340-0816 For the purposes of a federally funded grant entitled, Drug Free Communities ..... \$50,000



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*Bristol District Attorney.*

0340-0806 For the purposes of a federally funded grant entitled, Weed and Seed .....	\$200,000
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*Cape and Islands District Attorney.*

0340-1013 For the purposes of a federally funded grant entitled, Federal Forfeiture Trust Account .....	\$60,000
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**SECRETARY OF STATE.**

0521-0800 For the purpose of a federally funded grant entitled, Election Assistance for Disabled Individuals .....	\$700,041
0526-0114 For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning .....	\$748,930
0526-0115 For the purposes of a federally funded grant entitled, Massachusetts Historical Commission — Federal Preservation Grants .....	\$200,000

**TREASURER AND RECEIVER GENERAL.**

*Massachusetts Cultural Council.*

0640-9716 For the purposes of a federally funded grant entitled, Folk and Traditional Arts Initiative .....	\$201,000
0640-9717 For the purposes of a federally funded grant entitled, Basic State Plan .....	\$379,500
0640-9718 For the purposes of a federally funded grant entitled, Arts Education .....	\$66,500
0640-9724 For the purposes of a federally funded grant entitled, Arts in Underserved Communities .....	\$110,000
0640-9729 For the purposes of a federally funded grant entitled, Challenge America .....	\$171,300
0640-9730 For the purposes of a federally funded grant entitled, NEA Teacher's Institutes .....	\$321,374

**ATTORNEY GENERAL.**

0810-0026 For the purposes of a federally funded grant entitled, Crime Victim Compensation .....	\$3,000,000
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*Victim and Witness Assistance Board.*

0840-0110 For the purposes of a federally funded grant entitled, Victims of Crime Assistance Programs .....	\$8,049,000
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0840-1005	For the purposes of a federally funded grant entitled, Massachusetts Statewide Victim Assistance Academy .....	\$60,000
0840-4611	For the purposes of a federally funded grant entitled, Byrne Federal Grant .....	\$195,000
0840-4620	For the purposes of a federally funded grant entitled, VAWA Federal Grant .....	\$282,480

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

*Massachusetts Developmental Disabilities Council.*

1100-1703	For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for this grant, this item shall be exempt from the first \$280,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws .....	\$1,263,826
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*Office on Disability.*

1107-2450	For the purposes of a federally funded grant entitled, Client Assistance Program .....	\$239,839
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*Department of Revenue.*

1201-0104	For the purposes of a federally funded grant entitled, Joint Federal-State Motor Fuel Tax Compliance Project .....	\$19,342
1201-0109	For the purposes of a federally funded grant entitled, Access and Visitation - Parent Education Program .....	\$222,469
1201-0412	For the purposes of Child Support Enforcement Grants, Child Support IVD Companion account to CSE Demonstration Grants .....	\$270,166

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0141	For the purposes of a federally funded grant entitled, Coastal Zone Management and Development .....	\$2,763,137
2000-0175	For the purposes of a federally funded grant entitled, Purple Loostrike Remediation .....	\$898
2000-0177	For the purposes of a federally funded grant entitled, Wetlands Development .....	\$41,084
2000-0186	For the purposes of a federally funded grant entitled, Aquatic Nuisance Species Management Plan .....	\$73,024

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2000-0248	For the purposes of a federally funded grant entitled, National Estuary Program — Operation .....	\$362,300
2000-9600	For the purposes of a federally funded grant entitled, Narragansett Bay .....	\$25,189
2000-9701	For the purposes of a federally funded grant entitled, Outdoor Recreation Projects - Political Subdivisions .....	\$1,125,787
2000-9735	For the purposes of a federally funded grant entitled, Buzzards Bay Estuary Program .....	\$486,505
2000-9760	For the purposes of a federally funded grant entitled, Inventory of Navy Shipwrecks .....	\$2,245
2030-0013	For the purposes of a federally funded grant entitled, Fisheries Enforcement .....	\$799,154
2030-9701	For the purposes of a federally funded grant entitled, Safe Boating Program .....	\$1,457,915

*Department of Environmental Protection.*

2200-9706	For the purposes of a federally funded grant entitled, Water Quality Management Planning .....	\$534,071
2200-9712	For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tanks .....	\$996,646
2200-9717	For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program for Department of Defense ..	\$1,446,711
2200-9722	For the purposes of a federally funded grant entitled, Baird and McGuire .....	\$866,615
2200-9724	For the purposes of a federally funded grant entitled, Superfund Block Grant .....	\$769,985
2200-9728	For the purposes of a federally funded grant entitled, Brownfields Assessment Program - Multi-Site Cooperative Agreement .....	\$226,473
2200-9729	For the purposes of a Federally funded grant entitled, Brownfield Pilots Cooperative Agreements .....	\$12,889
2200-9730	For the purposes of a federally funded grant entitled, Impact Area Groundwater Study Massachusetts Military Reservation .....	\$387,508
2200-9731	For the purposes of a federally funded grant entitled, Brownfield Response .....	\$1,540,000
2230-9702	For the purposes of a federally funded grant entitled, Air, Water and Hazardous Waste Management Regulatory Programs ...	\$15,877,692
2230-9708	For the purposes of a federally funded grant entitled, National Environmental Network Implementation .....	\$130,600
2230-9709	For the purposes of a federally funded grant entitled, Environmental Information Exchange .....	\$393,000

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2240-9762	For the purposes of a federally funded grant entitled, Reimbursement to Operators to Small Water Systems for Training and Certification .....	\$369,420
2240-9764	For the purposes of a federally funded grant entitled, Special Appropriation Set-Aside Administration .....	\$64,345
2240-9765	For the purposes of a federally funded grant entitled, Water Protection Coordination Grants .....	\$65,672
2240-9769	For the purposes of a federally funded grant entitled, Estuaries Watershed Permitting .....	\$16,574
2250-9712	For the purposes of a federally funded grant entitled, Clean Air Act-Fine Particulate Matter Air Monitoring .....	\$669,834
2250-9716	For the purposes of a federally funded grant entitled, Ambient Air Toxics Pilot Project .....	\$38,136
2250-9721	For the purposes of a federally funded grant entitled, Biowatch Monitoring .....	\$109,896
2250-9724	For the purposes of a federally funded grant entitled, Mass Food Waste RCC Project .....	\$18,500
2250-9725	For the purposes of a federally funded grant entitled, Innovation Environment Compliance Strategies .....	\$113,865
2250-9726	For the purposes of a federally funded grant entitled, Homeland Security Co-op Agreement .....	\$941,846
2250-9727	For the purposes of a federally funded grant entitled, School Bus Retrofit .....	\$120,000
2250-9728	For the purposes of a federally funded grant entitled, Off Road Construction (ORCVRP) .....	\$50,145
2250-9729	For the purposes of a federally funded grant entitled, Composting Recycling .....	\$17,000

*Department of Fish and Game.*

2300-0112	For the purposes of a federally funded grant entitled, River Restoration Program .....	\$19,500
2310-0115	For the purposes of a federally funded grant entitled, Land Owner Incentive Program – Tier I .....	\$75,000
2310-0116	For the purposes of a federally funded grant entitled, Land Owner Incentive Program – Tier II .....	\$650,000
2310-0117	For the purposes of a federally funded grant entitled, Chronic Wasting Disease .....	\$90,000
2310-0118	For the purposes of a federally funded grant entitled, Junior Duck Stamp .....	\$1,500
2310-0119	For the purposes of a federally funded grant entitled, Avian Influenza Surveillance Program .....	\$8,000



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2330-9222	For the purposes of a federally funded grant entitled, Clean Vessel .....	\$850,000
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics .....	\$145,000
2330-9713	For the purposes of a federally funded grant entitled, Right Whale Conservation .....	\$250,000
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension .....	\$10,000
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management .....	\$50,000
2330-9725	For the purposes of a federally funded grant entitled, Boating Infrastructure .....	\$150,000
2330-9726	For the purposes of a federally funded grant entitled, Lobster Trap Escape Vent Selectivity .....	\$50,000
2330-9730	For the purposes of a federally funded grant entitled, Interstate Fisheries Management Support .....	\$233,000
2330-9732	For the purposes of a federally funded grant entitled, ACCSP Implementation Strategic Plan. ....	\$125,000
2330-9734	For the purposes of a federally funded grant entitled, Pilot Industry Based Survey Implementation .....	\$350,000
2330-9736	For the purposes of a federally funded grant entitled, Marine Fisheries Institute .....	\$600,000
2330-9738	For the purposes of a federally funded grant entitled, Red Tide Economic Relief .....	\$1,000,000
2330-9739	For the purposes of a federally funded grant entitled, Turtle Disengagement .....	\$25,000

*Department of Agricultural Resources.*

2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement .....	\$185,8290
2511-0320	For the purposes of a federally funded grant entitled, Certification of Pesticide Applicators .....	\$122,717
2511-0336	For the purposes of a federally funded grant entitled, Special Pesticide Disposal Initiative .....	\$40,000
2511-0400	For the purposes of a federally funded grant entitled, Cooperative Pest Survey Program .....	\$108,283
2511-0401	For the purposes of a federally funded grant entitled, Cooperative Pesticide Recordkeeping Program .....	\$12,500
2511-0972	For the purposes of a federally funded grant entitled, Farmland Protection .....	\$3,000,000

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2511-1022 For the purposes of a federally funded grant entitled, Mad Cow Disease Surveillance .....	\$79,090
2511-1023 For the purposes of a federally funded grant entitled, Enhanced Surveillance of Swine Garbage Feeding Operations .....	\$38,000
2511-1025 For the purposes of a federally funded grant entitled, Country of Origin Labeling .....	\$13,200
2515-1002 For the purposes of a federally funded grant entitled, Animal Disease Surveillance Homeland Security .....	\$5,483
2515-1003 For the purposes of a federally funded grant entitled, Voluntary Johne's Disease Control .....	\$30,000
2515-1004 For the purposes of a federally funded grant entitled, Scrapie Disease Surveillance and Flock Certification .....	\$7,268
2515-1005 For the purposes of a federally funded grant entitled, Low Pathogenic Avian Influenza Prevention .....	\$27,400
2515-1006 For the purposes of a federally funded grant entitled, National Animal Identification System .....	\$45,348
2515-1007 For the purposes of a federally funded grant entitled, National Animal Health Emergency Management .....	\$65,682
2515-1008 For the purposes of a federally funded grant entitled, Highly Pathogenic Avian Influenza .....	\$103,427
2516-1000 For the purposes of a federally funded grant entitled, Massachusetts Agriculture Tourism Map .....	\$48,945
2516-9002 For the purposes of a federally funded grant entitled, Development of Institutional Marketing .....	\$36,670
2516-9003 For the purposes of a federally funded grant entitled, Farmer's Market Coupon Program .....	\$607,229
2516-9004 For the purposes of a federally funded grant entitled, Senior Farmers Market Nutrition Program .....	\$55,000
2516-9007 For the purposes of a federally funded grant entitled, Organic Certification Cost-Share Program .....	\$15,000

### *Department of Conservation and Recreation.*

2800-9707 For the purposes of a federally funded grant entitled, National Flood Insurance Program .....	\$190,000
2800-9709 For the purposes of a federally funded grant entitled, Map Modernization .....	\$75,000
2800-9720 For the purposes of a federally funded grant entitled, Blackstone Heritage Corridor Commission Cooperative Agreement .....	\$348,002
2800-9721 For the purposes of a federally funded grant entitled, Schooner Ernestina Historical Documentation .....	\$20,000

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2800-9726	For the purposes of a federally funded grant entitled, FEMA National Dam Safety Program .....	\$65,164
2800-9728	For the purposes of a federally funded grant entitled, Rehabilitation Services – Inspired .....	\$34,542
2800-9750	For the purposes of a federally funded grant entitled, Ipswich River Watershed EPA Grant .....	\$174,993
2820-9702	For the purposes of a federally funded grant entitled, Rural Community Fire Protection .....	\$97,961
2820-9704	For the purposes of a federally funded grant entitled, NRCS-Wildlife Incentives Habitat Program .....	\$42,720
2821-9705	For the purposes of a federally funded grant entitled, Urban and Community Forestry Program .....	\$531,000
2821-9709	For the purposes of a federally funded grant entitled, Forestry Stewardship, Forest Legacy and Conservation Education .....	\$4,233,990
2821-9710	For the purposes of a federally funded grant entitled, Forest Land Enhancement .....	\$39,918
2821-9711	For the purposes of a federally funded grant entitled, Rural Fire Prevention and Control .....	\$289,125
2821-9713	For the purposes of a federally funded grant entitled, Wildland Urban Interface Fuels Management .....	\$558,359
2821-9714	For the purposes of a federally funded grant entitled, Rural Development through Forestry .....	\$30,000
2821-9719	For the purposes of a federally funded grant entitled, Watershed Forest Management – Guidebook .....	\$13,690
2821-9726	For the purposes of a federally funded grant entitled, Forest Health Management - US Forest Service .....	\$239,983
2830-9705	For the purposes of a federally funded grant entitled, Suasco Watershed Flood Control Reservoir .....	\$7,014
2840-9709	For the purposes of a federally funded grant entitled, Waquoit Bay National Estuarine Research Reserve Consolidated Funding .....	\$995,428
2840-9710	For the purposes of a federally funded grant entitled, NOAA South Cape Beach Salt Marsh .....	\$174,680
2840-9714	For the purposes of a federally funded grant entitled, Waquoit Bay Land Acquisition — National Estuarine Research Reserve .....	\$87,701
2840-9715	For the purposes of a federally funded grant entitled, NOAA CELP Grant For – Herring River Land Acquisition .....	\$467,922

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*Department of Public Utilities.*

7006-9000	For the purposes of a federally funded grant entitled, Motor Carrier Safety Assistance .....	\$98,278
7006-9001	For the purposes of a federally funded grant entitled, One Call Project .....	\$100
7006-9002	For the purposes of a federally funded grant entitled, Pipeline Security .....	\$1,200,000

*Division of Energy Resources.*

7006-9220	For the purposes of a federally funded grant entitled, Potential for Wind Energy Development on New England Islands – Phase II .....	\$25,000
7006-9227	For the purposes of a federally funded grant entitled, Rebuild Massachusetts Public Housing Energy Efficiency Project .....	\$12,000
7006-9237	For the purposes of a federally funded grant entitled, Rebuild Mass – Energy Smart Communities .....	\$75,000
7006-9238	For the purposes of a federally funded grant entitled, SEP – 4 Natural Gas Buses .....	\$196,843
7006-9239	For the purposes of a federally funded grant entitled, SEP – A Module-Integrated .....	\$250,000
7006-9240	For the purposes of a federally funded grant entitled, Tall Tower Wind .....	\$10,500
7006-9243	For the purposes of a federally funded grant entitled, BIOMASS – Sustainable Forest .....	\$495,000
7006-9244	For the purposes of a federally funded grant entitled, Evaluation of Switchgrass for Biofuel in Massachusetts .....	\$10,000
7006-9720	For the purposes of a federally funded grant entitled, State Heating Oil .....	\$22,288
7006-9757	For the purposes of a federally funded grant entitled, BIOMASS .....	\$20,000
7006-9730	For the purposes of a federally funded grant entitled, SEP II .....	\$786,000
7006-2160	For the purposes of a federally funded grant entitled, NYSERDA .....	\$395,000
7006-2161	For the purposes of a federally funded grant entitled, DERPT – NASEO/EPRI .....	\$350,000

**DEPARTMENT OF EARLY EDUCATION AND CARE.**

*Department of Early Education and Care.*

3000-0708	For the purposes of a federally funded grant entitled, Head Start Collaboration .....	\$175,000
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3000-9002 For the purposes of a federally funded grant entitled, Child Abuse Prevention and Treatment Activities .....	\$565,398
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

*Office of the Secretary.*

4000-0713 For the purposes of a federally funded grant entitled, Youth Development State Collaboration .....	\$222,227
4000-9401 For the purposes of a federally funded grant entitled, Community Mental Health Services .....	\$8,559,524
4000-9402 For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant .....	\$34,256,454
4400-0705 For the purposes of a federally funded grant entitled, McKinney Emergency Shelter Grant Program .....	\$2,534,851
4400-0707 For the purposes of a federally funded grant entitled, Department of Housing and Urban Development Continuum of Care .....	\$6,000,000
4400-9404 For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care – Continuum of Care .....	\$2,300,000

*Department of Veterans' Services.*

1410-0254 For the purposes of a federally funded grant entitled, Urban Homeless Veterans Reintegration .....	\$200,000
1410-0255 For the purposes of a federally funded grant entitled, Non-Urban Homeless Veterans Reintegration .....	\$300,000

*Massachusetts Commission for the Blind.*

4110-3020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees .....	\$153,000
4110-3021 For the purposes of a federally funded grant entitled, Basic Support Grant .....	\$7,601,991
4110-3023 For the purposes of a federally funded grant entitled, Independent Living — Adaptive Housing .....	\$69,695
4110-3026 For the purposes of a federally funded grant entitled, Independent Living — Services to Older Blind Americans .....	\$737,346
4110-3027 For the purposes of a federally funded grant entitled, Rehabilitation Training .....	\$29,280
4110-3028 For the purposes of a federally funded grant entitled, Supported Employment .....	\$129,244

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### *Massachusetts Rehabilitation Commission.*

4120-0020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees . . . . .	\$44,143,937
4120-0030	For the purposes of a federally funded grant entitled, Workforce Coordinating Grant Trust . . . . .	\$43,000
4120-0040	For the purposes of a federally funded grant entitled, Vocational Rehabilitation and Comprehensive Systems of personnel development Training . . . . .	\$110,887
4120-0187	For the purposes of a federally funded grant entitled, Supported Employment Program . . . . .	\$880,549
4120-0189	For the purposes of a federally funded grant entitled, Special Projects and Demonstrations for providing Vocational Rehabilitation Services to Individuals with Severe Disabilities in Massachusetts . . . . .	\$371,860
4120-0191	For the purposes of a federally funded grant entitled, Informed Members Planning and Assessing Choices Together (IMPACT) . . . . .	\$460,953
4120-0511	For the purposes of a federally funded grant entitled, Vocational Rehabilitation - Determination of Disability . . . . .	\$38,556,149
4120-0760	For the purposes of a federally funded grant entitled, Independent Living . . . . .	\$1,871,402
4120-0767	For the purposes of a federally funded grant entitled, Assistive Technology . . . . .	\$375,000
4120-0768	For the purposes of a federally funded grant entitled, Assistive Technology Act . . . . .	\$394,797

### *Department of Transitional Assistance.*

4400-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants . . . . .	\$2,900,000
4400-3066	For the purposes of a federally funded grant entitled, Training for Food Stamp ABAWDs . . . . .	\$1,500,000
4400-3067	For the purposes of a federally funded grant entitled, Food Stamp Employment and Training . . . . .	\$2,500,000
4400-3069	For the purposes of a federally funded grant entitled, Full Employment Food Stamp Cash-Out . . . . .	\$25,000
4400-9404	For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care . . . . .	\$3,400,000

*Department of Social Services.*

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act .....	\$354,720
4800-0007	For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act .....	\$1,812,749
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living .....	\$3,242,415
4800-0013	For the purposes of a federally funded grant entitled, Family Preservation and Support Services .....	\$4,936,768
4800-0085	For the purposes of a federally funded grant entitled, Educational & Training Voucher Program .....	\$1,108,019
4800-0086	For the purposes of a federally funded grant entitled, Adoption Opportunities Grant .....	\$350,000
4800-0087	For the purposes of a federally funded grant entitled, Supervised Visitation and Safe Exchange Grant .....	\$374,745
4800-0088	For the purposes of a federally funded grant entitled, Training of Child Welfare Agency Supervisors .....	\$249,722
4800-0089	For the purposes of a federally funded grant entitled, Adoption Incentive Payments .....	\$16,000
4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services .....	\$4,601,492
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment. ....	\$573,778

*Department of Public Health.*

4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant .....	\$3,023,942
4500-1050	For the purposes of a federally funded grant entitled, Rape Prevention and Education .....	\$931,668
4510-1060	For the purposes of a federally funded grant entitled, Rape Prevention Program Planning and Evaluation Capacity Building .....	\$99,192
4500-1065	For the purposes of a federally funded grant entitled State Partnership to Improve Minority Health .....	\$127,343
4500-2000	For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant .....	\$13,349,343
4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System .....	\$510,692
4510-0109	For the purposes of a federally funded grant entitled, State Loan Repayment Project .....	\$250,000

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4510-0113	For the purposes of a federally funded grant entitled, Office of Rural Health .....	\$150,000
4510-0118	For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement .....	\$112,200
4510-0119	For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program .....	\$255,000
4510-0219	For the purposes of a federally funded grant entitled, Small Rural Hospital Improvement Program .....	\$74,720
4510-0220	For the purposes of a federally funded grant entitled, Children's Oral Health Access Program .....	\$78,300
4510-0400	For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification .....	\$7,368,033
4510-0403	For the purposes of a federally funded grant entitled, Mass Reporting System Evaluate Effects .....	\$60,276
4510-0404	For the purposes of a federally funded grant entitled, Bioterrorism Hospital Preparedness .....	\$10,258,868
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement .....	\$213,819
4510-0609	For the purposes of a federally funded grant entitled, NRC Security Inspections .....	\$8,421
4510-0619	For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments .....	\$193,477
4510-0629	For the purposes of a federally funded grant entitled, Harold Rogers Prescription Drug monitoring .....	\$111,500
4510-0633	For the purposes of a federally funded grant entitled, Harold Rogers II Prescription Drug Monitoring .....	\$350,000
4510-0634	For the purposes of a federally funded grant entitled, Food Safety Task Force Meeting .....	\$3,253
4510-0636	For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention .....	\$1,335,147
4510-0793	For the purposes of a federally funded grant entitled, RURAL Automatic External Defibrillator .....	\$22,532
4510-9014	For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections .....	\$145,410
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program .....	\$893,894
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments .....	\$550,614
4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program .....	\$243,400



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4510-9053	For the purposes of a federally funded grant entitled, Beaches Environmental Assessment .....	\$345,608
4510-9056	For the purposes of a federally funded grant entitled, National Environmental Public Health Tracking .....	\$614,804
4510-9062	For the purposes of a federally funded grant entitled, Prevalence of ALS and MS in Commonwealth Around Hazardous Waste Sites .....	\$77,705
4510-9063	For the purposes of a federally funded grant entitled, Environmental and Health Effects Tracking .....	\$450,844
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control .....	\$1,667,010
4512-0107	For the purposes of a federally funded grant entitled, HIV Risk Behavior Surveillance .....	\$212,715
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project .....	\$5,680,272
4512-0180	For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance .....	\$1,331,319
4512-9063	For the purposes of a federally funded grant entitled, Ecstasy and Other Club Drugs Cooperative Agreement .....	\$73,089
4512-9064	For the purposes of a federally funded grant entitled, Adolescent Treatment .....	\$355,367
4512-9065	For the purposes of a federally funded grant entitled, State Outcomes Measurement and Management System .....	\$150,000
4512-9066	For the purposes of a federally funded grant entitled, State Epidemiological Outcomes Workshop .....	\$100,000
4512-9069	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant .....	\$33,912,526
4512-9426	For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection .....	\$82,226
4513-0111	For the purposes of a federally funded grant entitled, Housing Opportunities-People with AIDS .....	\$506,901
4513-9007	For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC) .....	\$72,231,674
4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction .....	\$11,674,273
4513-9021	For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps .....	\$8,850,114
4513-9022	For the purposes of a federally funded grant entitled, Prevention Disability State Based Project .....	\$342,000

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4513-9027	For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement .....	\$888,693
4513-9030	For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Mass Children and Youth .....	\$100,000
4513-9035	For the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project .....	\$1,318,149
4513-9037	For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources .....	\$20,273,453
4513-9038	For the purposes of a federally funded grant entitled, Shelter Plus Care - Worcester .....	\$267,672
4513-9046	For the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence .....	\$1,041,806
4513-9051	For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project .....	\$460,309
4513-9060	For the purposes of a federally funded grant entitled, Residential Fire Injury Prevention — Mass Injury Intervention and Surveillance .....	\$144,760
4513-9066	For the purposes of a federally funded grant entitled, Universal Newborn Hearing Screening-Enhancement Project .....	\$150,000
4513-9071	For the purposes of a federally funded grant entitled, Early Hearing Detection and Intervention (EHDI) Tracking and Research .....	\$170,000
4513-9076	For the purposes of a federally funded grant entitled, Early Childhood Comprehensive Systems .....	\$140,000
4513-9077	For the purposes of a federally funded grant entitled, Emergency Medical Services for Children Partnership II .....	\$102,771
4513-9078	For the purposes of a federally funded grant entitled, Asthma Planning Collaborative .....	\$200,000
4513-9079	For the purposes of a Massachusetts Youth Violence Prevention Program .....	\$98,997
4513-9081	For the purpose of a federally funded grant entitled, State Implementation Grant for Children with Special Health Care Needs .....	\$300,000
4513-9082	For the purpose of a federally funded grant entitled, CAPTA Requirement to Identify and Serve Substance Exposed Newborns .....	\$150,000
4513-9083	For the purposes of a federally funded grant entitled, Massachusetts Youth Suicide Prevention Program .....	\$299,841
4513-9084	For the purposes of a federally funded grant entitled, Abstinence Education Program .....	\$712,241

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4513-9085	For the purposes of a federally funded grant entitled, Massachusetts Pregnancy Risk .....	\$198,026
4514-1004	For the purposes of a federally funded grant entitled, Emotion Based Messages to Promote Healthy Behavior .....	\$15,294
4514-1005	For the purposes of a federally funded grant entitled, WIC-Management Information Systems .....	\$260,000
4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project .....	\$1,993,585
4515-0121	For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological Studies and Consortium .....	\$349,828
4515-0200	For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Center .....	\$477,305
4515-0203	For the purposes of a federally funded grant entitled, Monitoring Trends in Prevalence of STD, TB and HIV Risk .....	\$60,000
4516-1021	For the purposes of a federally funded grant entitled, Public Health Preparedness and Response for Bioterrorism .....	\$23,374,570
4516-1025	For the purposes of a federally funded grant entitled, Morbidity and Risk Behavior Surveillance .....	\$299,811
4516-1100	For the purposes of a federally funded grant entitled, Enhancement of Laboratory Testing .....	\$92,000
4518-0505	For the purposes of a federally funded grant entitled, Tech Data & Mass Birth/Infant Death File Linkage/Analysis Assistive Reproductive .....	\$91,767
4518-0514	For the purposes of a federally funded grant entitled, National Violent Death Reporting System .....	\$382,132
4518-0534	For the purposes of a federally funded grant entitled, Public Health Injury Surveillance and Prevention .....	\$447,830
4518-1000	For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index .....	\$43,598
4518-1002	For the purposes of a federally funded grant entitled, Massachusetts Death File - Social Security Administration .....	\$79,300
4518-1003	For the purposes of a federally funded grant entitled, Massachusetts Birth Records — Social Security Administration .....	\$370,101
4518-9022	For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks .....	\$157,122
4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries .....	\$42,100
4518-9025	For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations .....	\$145,748

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4518-9030	For the purpose of a federally funded grant entitled, Public Health Injury Surveillance and Prevention Program .....	\$120,000
4570-1509	For the purposes of a federally funded grant entitled, Massachusetts Cardiovascular Disease Prevention .....	\$1,895,011
4570-1512	For the purposes of a federally funded grant entitled, National Cancer Prevention Control .....	\$5,711,938
4570-1515	For the purposes of a federally funded grant entitled, Chronic Diseases Prevention and Health Promotion .....	\$4,454,744

### *Department of Mental Health.*

5012-9121	For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness .....	\$1,413,000
5012-9157	For the purposes of a federally funded grant entitled, Alternatives to Restraint and Seclusion .....	\$238,311
5014-9105	For the purposes of a federally funded grant entitled, Data Infrastructure .....	\$142,220
5046-9102	For the purposes of a federally funded grant entitled, Shelter Plus Care Program .....	\$173,760
5047-9102	For the purposes of a federally funded grant entitled, Comprehensive Mental Health Services for Children and their Families .....	\$1,375,000

## **EXECUTIVE OFFICE OF TRANSPORTATION.**

### *Office of the Secretary.*

6000-0018	For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance .....	\$3,723,579
6000-0019	For the purposes of a federally funded grant entitled, Section 5307 Transportation Demand Management .....	\$205,000
6000-0020	For the purposes of a federally funded grant entitled, Jobs Access Reverse Commute .....	\$2,364,600
6000-0022	For the purposes of a federally funded grant entitled, Transit Planning Research Grant .....	\$18,687
6000-0023	For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant .....	\$3,490,079
6000-0025	For the purposes of a federally funded grant entitled, High Priority Project .....	\$79,553
6000-0049	For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant .....	\$3,672,607



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8400-0090 For the purposes of a federally funded grant entitled, Enhance  
CDL Licensing ..... \$1,089,000

*Board of Library Commissioners.*

7000-9700 For the purposes of a federally funded grant entitled, Federal  
Reserve - Title I ..... \$169,280  
7000-9702 For the purposes of a federally funded grant entitled, Library  
Service Technology Act ..... \$3,449,395

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.**

7002-4203 For the purposes of a federally funded grant entitled,  
Occupational Substance and Health Administration Statistical  
Survey ..... \$106,423  
7002-4204 For the purposes of a federally funded grant entitled, Adult Blood  
Lead Levels Surveillance ..... \$20,567  
7002-4212 For the purposes of a federally funded grant entitled, Asbestos  
Licensing and Monitoring ..... \$102,250  
7002-4213 For the purposes of a federally funded grant entitled, Lead  
Licensing and Monitoring ..... \$347,948  
7002-4215 For the purposes of a federally funded grant entitled,  
Occupational Illness and Injury ..... \$89,004  
7002-4216 For the purposes of a federally funded grant entitled, Lead  
Enforcement Cooperative Agreement ..... \$59,703  
7002-6624 For the purposes of a federally funded grant entitled,  
Unemployment Insurance Administration ..... \$69,157,578  
7002-6626 For the purposes of a federally funded grant entitled,  
Employment Service Programs Administration ..... \$21,876,683  
7002-6627 For the purposes of a federally funded grant entitled,  
Occupational Substance and Health Administration On-site  
Consultation Program ..... \$1,521,207  
7002-6628 For the purposes of a federally funded grant entitled, Disabled  
Veterans Outreach ..... \$1,424,669  
7002-6629 For the purposes of a federally funded grant entitled, Local  
Veterans Employment Representative ..... \$1,586,217  
7002-9701 For the purposes of a federally funded grant entitled, Federal  
Bureau of Labor Statistics Grant ..... \$2,495,562  
7003-1010 For the purposes of a federally funded grant entitled, Trade  
Expansion Act Program ..... \$9,761,375

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7003-1630	For the purposes of a federally funded grant entitled, Adult Activities – Workforce Investment Act Title I - Adult Activities .....	\$17,837,849
7003-1631	For the purposes of a federally funded grant entitled, Youth Formula Grants – Workforce Investment Act Title I - Youth Formula Grants .....	\$24,425,390
7003-1632	For the purposes of a federally funded grant entitled, Dislocated Workers – Workforce Investment Act Title I –Dislocated Workers .....	\$57,789,750
7003-1633	For the purposes of a federally funded grant entitled, Work Incentive Grant Access to Employment for All .....	\$1,868,081
7003-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training .....	\$61,195

### **EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.**

#### *Department of Housing and Community Development.*

7004-0304	For the purposes of a federally funded grant entitled, Lead-Based Paint Control Program .....	\$2,000,000
7004-2030	For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies .....	\$6,471,361
7004-2033	For the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development shall provide monthly payments in advance to participating agencies .....	\$81,100,577
7004-2034	For the purposes of a federally funded grant entitled, Community Services Block Grant; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies .....	\$17,110,304
7004-2361	For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Administrative Fee .....	\$378,000

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7004-2363	For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Housing Voucher . . . . .	\$1,334,162
7004-2364	For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Moderate Rehabilitation . . . . .	\$156,000
7004-2365	For the purposes of a federally funded grant entitled, Section 8 Administrative Fee New Construction . . . . .	\$560,000
7004-3037	For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant Program; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$43,442,442
7004-9009	For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$9,400,000
7004-9014	For the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . .	\$200,000,000
7004-9019	For the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$7,600,000
7004-9020	For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$6,435,000
7004-9028	For the purposes of a federally funded grant entitled, Home Investment Partnerships; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$32,000,000
7004-9039	For the purposes of a federally funded grant entitled, HOME Technical Assistance . . . . .	\$150,000
7004-9051	For the purposes of a federally funded grant entitled, Shelter Plus Care-Lowell; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$25,000

*Department of Education.*

7010-9706 For the purposes of a federally funded grant entitled, Common Core Data Project .....	\$163,676
7027-0210 For the purposes of a federally funded grant entitled, Partnerships in Character Education .....	\$28,912
7032-0217 For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program — Distribution .....	\$813,000
7032-0228 For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program .....	\$1,554,636
7035-0020 For the purposes of a federally funded grant entitled, Massachusetts State Improvement Grant Project Focus .....	\$2,552,000
7035-0166 For the purposes of a federally funded grant entitled, Even Start Family Literacy — Distribution .....	\$1,342,457
7035-0176 For the purposes of a federally funded grant entitled, Comprehensive School Demonstration — Distribution .....	\$3,541,133
7035-0210 For the purposes of a federally funded grant entitled, Advanced Placement Fee Program .....	\$175,632
7038-0107 For the purposes of a federally funded grant entitled, Adult Basic Education — Distribution .....	\$10,463,468
7038-9004 For the purposes of a federally funded grant entitled, School Based Programs Distribution .....	\$350,525
7038-9008 For the purposes of a federally funded grant entitled, Learn and Serve America Community, Higher Ed and Schools Partnership .....	\$312,965
7038-9748 For the purposes of a federally funded grant entitled, Refugee Children School Impact Grant Program .....	\$16,495
7043-1001 For the purposes of a federally funded grant entitled, Title I Grants to Local Educational Agencies .....	\$207,264,302
7043-1002 For the purposes of a federally funded grant entitled, Title I Reading First State Grants .....	\$13,963,645
7043-1004 For the purposes of a federally funded grant entitled, Migrant Education .....	\$1,779,680
7043-1005 For the purposes of a federally funded grant entitled, Title I Neglected and Delinquent Children .....	\$1,858,651
7043-2001 For the purposes of a federally funded grant entitled, Teacher and Principal Training and Recruiting .....	\$51,807,065
7043-2002 For the purposes of a federally funded grant entitled, Title II State and Local Technology Grants .....	\$3,947,378
7043-2003 For the purposes of a federally funded grant entitled, Title I Math and Science Partnerships .....	\$2,410,293



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7043-3001	For the purposes of a federally funded grant entitled, English Language Acquisition .....	\$9,855,918
7043-4001	For the purposes of a federally funded grant entitled, Safe and Drug Free Schools and Communities .....	\$5,106,400
7043-4002	For the purposes of a federally funded grant entitled, After School Learning Centers .....	\$16,586,960
7043-5001	For the purposes of a federally funded grant entitled, Innovative Education Programs .....	\$1,891,042
7043-6001	For the purposes of a federally funded grant entitled, Grants for State Assessments and Related Activities .....	\$7,945,029
7043-6002	For the purposes of a federally funded grant entitled, Rural And Low-Income Schools .....	\$63,785
7043-6501	For the purposes of a federally funded grant entitled, Education for Homeless Children/Youth .....	\$940,502
7043-7001	For the purposes of a federally funded grant entitled, Special Education Grants .....	\$263,907,349
7043-7002	For the purposes of a federally funded grant entitled, Preschool Grants .....	\$9,889,606
7043-8001	For the purposes of a federally funded grant entitled, Vocational Education Basic Grants .....	\$18,419,302
7043-8002	For the purposes of a federally funded grant entitled, Technical Preparation Education .....	\$1,650,346
7043-9001	For the purposes of a federally funded grant entitled, Teacher Quality Enhancement/Partnerships .....	\$219,927
7043-9002	For the purposes of a federally funded grant entitled, Transition to Teaching .....	\$573,480
7044-0020	For the purposes of a federally funded grant entitled, New Project Focus .....	\$1,474,690
7044-0210	For the purposes of a federally funded grant entitled, Mass Partnership for Gifted Education .....	\$524,109
7044-0725	For the purposes of a federally funded grant entitled, Title X Homeless Children and Youth .....	\$940,502
7045-6300	For the purposes of a federally funded grant entitled, Hurricane Katrina Emergency School Impact Aid .....	\$580,625
7047-9008	For the purposes of a federally funded grant entitled, Advanced Placement Fee .....	\$449,999
7053-2112	For the purposes of a federally funded grant entitled, Special Assistance Funds .....	\$125,222,088
7053-2117	For the purposes of a federally funded grant entitled, Child Care Program .....	\$45,092,373

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7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance .....	\$832,948
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children .....	\$5,024,557
7053-2266	For the purposes of a federally funded grant entitled, Mass Team Nutrition Grant .....	\$143,960
7057-0519	For the purposes of a federally funded grant entitled, Wellness Program .....	\$49,402
7062-0008	For the purposes of a federally funded grant entitled, Office of School Lunch Programs — Child Care Program Administra- tion .....	\$3,198,228
7062-0017	For the purposes of a federally funded grant entitled, Charter Schools Assistance Distribution .....	\$2,528,256
7062-0019	For the purposes of a federally funded grant entitled, Career Resource Network State Grant .....	\$197,530

*Board of Higher Education.*

7066-1574	For the purposes of a federally funded grant entitled, Improving Teacher Quality Grants .....	\$1,348,636
7066-6033	For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs .....	\$3,369,997
7070-0017	For the purposes of a federally funded grant entitled, State Student Incentive Grant Program — Board of Higher Education .....	\$966,753
7110-6019	For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits— Fitchburg State College .....	\$253,000
7110-6030	For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services — Fitchburg State College .....	\$235,000
7110-6048	For the purposes of a federally funded grant entitled, Special Education Personnel Preparation— Fitchburg State College ...	\$200,000
7410-3093	For the purposes of a federally funded grant entitled, Polymer Building Construction — University of Massachusetts Amherst .....	\$1,750,000
7503-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — Bristol Community College .....	\$449,875
7503-9714	For the purposes of a federally funded grant entitled, Upward Bound Program — Bristol Community College .....	\$335,370

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7509-1490	For the purposes of a federally funded grant entitled, Educational Opportunities Centers Payroll — Mount Wachusett Community College .....	\$173,000
7509-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — Mount Wachusett Community College .....	\$285,000
7509-9718	For the purposes of a federally funded grant entitled, Talent Search — Mount Wachusett Community College .....	\$248,000
7509-9720	For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs 2011— Mount Wachusett Community College .....	\$515,000
7509-9721	For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs-Payroll— Mount Wachusett Community College .....	\$240,000
7511-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — North Shore Community College .....	\$455,000
7511-9713	For the purposes of a federally funded grant entitled, IAP —Strengthening Institutions Program— North Shore Community College .....	\$400,000
7511-9740	For the purposes of a federally funded grant entitled, Upward Bound — North Shore Community College .....	\$370,000
7511-9750	For the purposes of a federally funded grant entitled, Talent Search— North Shore Community College .....	\$220,000
7518-6127	For the purposes of a federally funded grant entitled, College Work Study Program— Bunker Hill Community College .....	\$205,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.***Office of the Secretary.*

8000-4602	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act — Planning .....	\$151,565
8000-4603	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act .....	\$1,500,000
8000-4608	For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986 .....	\$1,500,000
8000-4609	For the purposes of a federally funded grant entitled, Narcotics Control Assistance .....	\$7,191,643
8000-4610	For the purposes of a federally funded grant entitled, Statistical Analysis Center .....	\$59,037

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8000-4611	For the purposes of a federally funded grant entitled, Byrne Justice Assistance .....	\$3,450,000
8000-4612	For the purposes of a federally funded grant entitled, Gang Database Funding .....	\$1,000,000
8000-4613	For the purposes of a federally funded grant entitled, Project Safe Neighborhood Anti-Gang Initiative .....	\$300,000
8000-4619	For the purposes of a federally funded grant entitled, Title V .....	\$200,000
8000-4620	For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program .....	\$1,924,564
8000-4623	For the purposes of a federally funded grant entitled, Criminal History Improvement .....	\$799,341
8000-4624	For the purposes of a federally funded grant entitled, Prisoner Substance Abuse Treatment .....	\$468,849
8000-4626	For the purposes of a federally funded grant entitled, Violent Offender Incarceration .....	\$1,500,000
8000-4634	For the purposes of a federally funded grant entitled, Juvenile Accountability Incentive Block Grant .....	\$896,197
8000-4637	For the purposes of a federally funded grant entitled, Sex Offender Management Grant .....	\$81,000
8000-4638	For the purposes of a federally funded grant entitled, Internet Crimes Against Children Task Force .....	\$100,000
8000-4642	For the purposes of a federally funded grant entitled, Bullet-proof Vest Partnership Program .....	\$20,000
8000-4690	For the purposes of a federally funded grant entitled, Justice Information Technology .....	\$10,000
8000-4692	For the purposes of a federally funded grant entitled, State Homeland Security Program .....	\$55,000,000
8000-4693	For the purposes of a federally funded grant entitled, Project Safe Neighborhood .....	\$1,000,000
8000-4694	For the purposes of a federally funded grant entitled, Urban Area Security Initiative .....	\$7,460,000
8000-4695	For the purposes of a federally funded grant entitled, Homeland Security Buffer Zone Protection .....	\$1,100,000
8000-4696	For the purposes of a federally funded grant entitled, Transportation Security Grant .....	\$10,500,000
8000-4804	For the purposes of a federally funded grant entitled, State Agency Programs .....	\$17,250,000
8000-4838	For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Law III .....	\$356,211
8000-4839	For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Law IV .....	\$250,697



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8000-4840	For the purposes of a federally funded grant entitled, 2006 Enforcing Underage Drinking Laws .....	\$188,033
8000-4841	For the purposes of a federally funded grant entitled, Fatality Analysis Reporting .....	\$100,000

*Department of State Police.*

8100-0200	For the purposes of a federally funded grant entitled, Motor Vehicle Data Quality .....	\$31,172
8100-0209	For the purposes of a federally funded grant entitled, Region 1 Training Academy Motor Carrier Safety Assistance .....	\$150,164
8100-0210	For the purposes of a federally funded grant entitled, MCSAP-CVE New Entrant Audit .....	\$538,000
8100-0216	For the purposes of a federally funded grant entitled, MCSAP FY06/FY07 .....	\$619,734
8100-2058	For the purposes of a federally funded grant entitled, New England State Police Administrator's Conference—Regional Investigation .....	\$4,271,522
8100-2638	For the purposes of a federally funded grant entitled, Internet Crimes Against Children .....	\$450,000
8100-9700	For the purposes of a federally funded grant entitled, Port Security .....	\$147,750
8100-9706	For the purposes of a federally funded grant entitled, Cannabis Eradication Controlled Substance Prosecution DEA Cooperative Agreement .....	\$36,464
8100-9725	For the purposes of a federally funded grant entitled, Paul Coverdell National Forensic Science FY04 .....	\$135,255
8100-9726	For the purposes of a federally funded grant entitled, DNA Capacity Enhancement .....	\$135,255
8100-9727	For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog .....	\$662,182
8100-9728	For the purposes of a federally funded grant entitled, Solving Cold Cases through DNA .....	\$125,000
8100-9729	For the purposes of a federally funded grant entitled, Coverdell NFSI FFY05 .....	\$52,028
8100-9730	For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog FFY05 .....	\$71,856
8100-9731	For the purposes of a federally funded grant entitled, DNA Capacity Enhancement FFY05 .....	\$128,750
8100-9732	For the purposes of a federally funded grant entitled, Paul Coverdell National Forensic Science Improvement Act Fiscal Year 2007 .....	\$128,238

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8100-9733 For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog .....	\$352,170
8100-9734 For the purposes of a federally funded grant entitled, DNA Capacity Enhancement .....	\$78,601

### *Department of Fire Services.*

8324-1505 For the purposes of a federally funded grant entitled, USFA/NFA State Fire Training Program .....	\$28,000
8324-9707 For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program .....	\$236,329

### *Military Division.*

8700-0006 For the purposes of a federally funded grant entitled, Military Construction Costs in Methuen .....	\$23,069,877
8700-0143 For the purposes of an expendable trust entitled, Friends of Massachusetts National Guard and Reserve Families .....	\$200,000
8700-0302 For the purposes of a federally funded grant entitled, Military Construction Costs in Reading .....	\$18,057,500
8700-1000 For the purposes of a federally funded grant entitled, Military Construction Costs in Framingham .....	\$480,718

### *Massachusetts Emergency Management Agency.*

8800-0042 For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act .....	\$214,283
8800-0048 For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program .....	\$987,679
8800-0064 For the purposes of a federally funded grant entitled, Hazard Mitigation 1364 .....	\$470,105
8800-0080 For the purposes of a federally funded grant entitled, Local Emergency Plan Assistance .....	\$22,656
8800-0086 For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation/Disaster Resistant University .....	\$220,375
8800-0087 For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation Competitive Grant .....	\$4,386,097
8800-1512 For the purposes of a federally funded grant entitled, Hazard Mitigation Program, HMPG for FEMA-DR1512 .....	\$180,667

### *Department of Correction.*

8903-9709 For the purposes of a federally funded grant entitled, Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders .....	\$110,746
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EXECUTIVE OFFICE OF ELDER AFFAIRS.

*Office of the Secretary.*

9110-1074	For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII	\$3,174,762
9110-1077	For the purposes of a federally funded grant entitled, Older Americans Act, Title III-E, National Family Caregiver Support Program	\$1,394,234
9110-1095	For the purposes of a federally funded grant entitled, Rebalancing Long Term Systems Project	\$28,868
9110-1178	For the purposes of a federally funded grant entitled, Community Service Employment Program	\$530,839
9110-1755	For the purposes of a federally funded grant entitled, State Pharmacy Assistance Program Transitional Grant	\$1,202,034
9110-2457	For the purposes of a federally funded grant entitled, Springfield Multicultural Alzheimer's Project	\$8,974
9110-2760	For the purposes of a federally funded grant entitled, New England Massachusetts Aging and Disability Resource Center	\$77,884
9110-2761	For the purposes of a federally funded grant entitled, Aging and Disability Resource Center- Center for Medicaid and Medicare Services	\$9,882

*Office Refugees and Immigration.*

4003-0801	For the purposes of a federally funded grant entitled, Achieving Self-Sufficiency in a Short Time	\$335,000
4003-0802	For the purposes of a federally funded grant entitled, WSDA-Agriculture Grant	\$49,996
4003-0803	For the purposes of a federally funded grant entitled, Refugee School Impact	\$230,000
4003-0804	For the purposes of a federally funded grant entitled, refugee Targeted Assistance Grant	\$1,138,709
4003-0805	For the purposes of a federally funded grant entitled, refugee Resettlement Program	\$1,518,403
4003-0806	For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration	\$8,992,044
4003-0807	For the purposes of a federally funded grant entitled, State Legalization Impact	\$132,935

**SECTION 3.** Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2008 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with clause

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(c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$935,028,283 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from item 0611-5500 of section 2 shall be as set forth in the following lists. The amounts to be distributed from said item 0611-5500 of said section 2 shall be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2008 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

For fiscal year 2008, the foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2007; provided, that the limited English allotments in the foundation budget shall be increased by \$50; and provided further, that the low-income allotments in the foundation budget shall be increased by \$25. The target local share shall be calculated using the same methodology used in fiscal year 2007. Preliminary local contribution shall be the municipality's fiscal year 2007 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of foundation is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; provided further, that if a municipality's preliminary contribution as a percentage of foundation is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Required local contributions shall be calculated using the same methodology used in fiscal year 2007; provided, that in any municipality with a preliminary contribution higher than its target local contribution, required local contribution shall be the preliminary local contribution reduced by 25 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts.

For fiscal year 2008, the "foundation aid increment" shall be the difference between: (a) the positive difference between a district's foundation budget and its required district contribution; and (b) prior year aid. The "down payment aid increment" shall be 30 per cent of the positive difference between 100 per cent of a district's target aid share and its prior year chapter 70 aid, minus the foundation aid increment; provided, that the target aid share shall be calculated in the same way as in fiscal year 2007 using updated income, equalized



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valuation and foundation budget data. The minimum target aid share shall be 17.5 per cent. The “growth aid increment” shall be equal to (a) the product of the target aid percentage multiplied by the difference between the current and prior year foundation budget minus (b) the foundation aid increment and down payment aid increment. The “minimum aid increment” shall be equal to (a) \$50 multiplied by the district’s foundation enrollment minus (b) the sum of the foundation aid increment, down payment aid increment and growth aid increment. In no case shall the foundation aid increment, down-payment aid increment, growth aid increment, or minimum aid increment be less than zero.

Chapter 70 aid for fiscal year 2008 shall be the sum of prior year aid plus the foundation aid increment plus the down payment aid increment, if any, plus the growth increment, if any, plus the minimum aid increment, if any. No district shall receive chapter 70 aid in an amount greater than the district’s foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994.

No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of the commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws . The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by the secretary.

Municipality	7061-0008 Chapter 70	0611-5500	
		Additional Assistance	Lottery Distribution
ABINGTON	7,448,806	-	2,448,308
ACTON	4,283,795	29,696	1,711,261
ACUSHNET	6,206,921	23,875	1,863,181
ADAMS	-	35,042	2,477,382
AGAWAM	14,029,399	-	4,585,049
ALFORD	-	-	16,794
AMESBURY	8,706,827	-	2,421,239
AMHERST	6,158,796	222,910	9,816,456
ANDOVER	6,764,195	-	2,223,890

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Municipality	0611-5500		
	7061-0008 Chapter 70	Additional Assistance	Lottery Distribution
AQUINNAH	-	-	2,907
ARLINGTON	5,814,120	4,491,775	4,950,398
ASHBURNHAM	-	-	870,706
ASHBY	-	-	474,742
ASHFIELD	98,741	-	231,057
ASHLAND	3,843,641	291,598	1,391,460
ATHOL	-	4,377	2,841,971
ATTLEBORO	28,728,683	-	7,100,201
AUBURN	5,071,081	-	2,131,457
AVON	821,450	400,636	461,978
AYER	4,095,225	44,218	897,962
BARNSTABLE	7,300,545	-	2,617,907
BARRE	17,100	-	1,012,076
BECKET	80,981	8,580	104,445
BEDFORD	2,658,496	484,271	944,414
BELCHERTOWN	11,265,015	-	2,117,641
BELLINGHAM	8,236,349	-	2,111,840
BELMONT	3,857,487	827,483	1,982,683
BERKLEY	5,405,595	-	757,261
BERLIN	529,128	-	250,923
BERNARDSTON	-	-	352,995
BEVERLY	6,901,558	2,452,442	4,815,621
BILLERICA	15,747,049	2,349,321	4,897,970
BLACKSTONE	115,785	-	1,489,325
BLANDFORD	34,066	-	157,015
BOLTON	5,654	-	245,726
BOSTON	215,807,608	164,211,152	71,585,070
BOURNE	4,854,448	352,555	1,471,898
BOXBOROUGH	1,370,363	-	313,946
BOXFORD	1,579,157	36,411	568,608
BOYLSTON	441,425	-	426,309
BRAINTREE	7,475,129	3,378,041	3,743,826
BREWSTER	899,723	-	491,414
BRIDGEWATER	79,487	-	3,985,382
BRIMFIELD	1,176,021	-	485,238
BROCKTON	122,579,212	4,310,392	21,748,886

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Municipality	7061-0008 Chapter 70	0611-5500	
		Additional Assistance	Lottery Distribution
BROOKFIELD	1,357,887	-	614,506
BROOKLINE	6,667,814	3,497,741	4,403,998
BUCKLAND	-	-	344,329
BURLINGTON	4,663,528	1,386,400	1,872,961
CAMBRIDGE	8,516,353	17,956,060	8,781,240
CANTON	3,369,283	878,002	1,790,936
CARLISLE	779,767	14,729	258,294
CARVER	10,016,064	-	1,818,145
CHARLEMONT	130,303	-	217,551
CHARLTON	-	-	1,615,256
CHATHAM	613,313	-	187,306
CHELMSFORD	8,365,004	2,535,342	3,781,598
CHELSEA	48,517,117	3,396,864	6,824,838
CHESHIRE	302,591	-	700,461
CHESTER	121,002	-	224,070
CHESTERFIELD	128,461	-	171,834
CHICOPEE	43,773,555	1,195,616	13,136,065
CHILMARK	-	-	4,667
CLARKSBURG	1,656,057	13,114	439,639
CLINTON	10,454,735	175,517	2,754,261
COHASSET	1,696,971	166,099	474,221
COLRAIN	-	-	317,513
CONCORD	1,975,049	383,959	1,059,887
CONWAY	619,012	-	222,429
CUMMINGTON	45,640	-	103,825
DALTON	203,607	-	1,254,672
DANVERS	4,306,061	1,118,972	2,425,783
DARTMOUTH	9,429,258	-	3,137,399
DEDHAM	3,691,509	1,550,298	2,519,651
DEERFIELD	951,114	-	597,774
DENNIS	-	-	677,806
DEVENS	328,000	-	-
DIGHTON	-	-	865,018
DOUGLAS	7,317,967	-	908,255
DOVER	555,890	-	239,412
DRACUT	16,006,608	-	4,360,650

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Municipality	7061-0008 Chapter 70	0611-5500	Lottery Distribution
		Additional Assistance	
DUDLEY	-	-	1,921,092
DUNSTABLE	-	30,076	259,136
DUXBURY	3,547,730	-	1,103,205
EAST BRIDGEWATER	10,382,618	-	1,862,944
EAST BROOKFIELD	102,197	-	335,891
EAST LONGMEADOW	6,563,004	-	1,801,506
EASTHAM	314,185	-	185,422
EASTHAMPTON	7,856,409	108,874	3,389,371
EASTON	8,764,374	-	2,725,472
EDGARTOWN	415,389	28,507	54,397
EGREMONT	-	-	78,527
ERVING	330,353	13,150	70,501
ESSEX	-	33,828	270,890
EVERETT	28,033,743	4,084,357	4,514,014
FAIRHAVEN	7,559,053	391,434	2,415,070
FALL RIVER	91,119,662	2,290,951	27,367,962
FALMOUTH	4,954,099	-	1,725,460
FITCHBURG	40,080,379	214,811	10,406,302
FLORIDA	500,454	-	61,949
FOXBOROUGH	7,700,920	-	1,853,812
FRAMINGHAM	13,996,312	4,697,500	7,684,825
FRANKLIN	26,478,420	-	3,075,295
FREETOWN	1,459,055	-	1,181,812
GARDNER	18,778,744	120,747	5,153,217
GEORGETOWN	4,294,072	52,998	838,575
GILL	-	-	264,688
GLOUCESTER	6,019,080	1,923,054	3,047,653
GOSHEN	80,209	-	99,566
GOSNOLD	17,097	1,962	649
GRAFTON	7,761,675	-	1,945,992
GRANBY	4,156,070	-	1,098,909
GRANVILLE	1,331,035	-	199,541
GREAT BARRINGTON	-	-	944,536
GREENFIELD	9,486,783	-	3,951,296
GROTON	-	-	957,896
GROVELAND	-	-	792,487



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Municipality	7061-0008	0611-5500	Lottery Distribution
	Chapter 70	Additional Assistance	
HADLEY	730,915	138,341	426,515
HALIFAX	2,541,088	-	1,129,778
HAMILTON	-	42,887	757,377
HAMPDEN	-	-	779,634
HANCOCK	188,899	17,638	52,631
HANOVER	5,825,021	1,326,394	1,310,076
HANSON	22,711	-	1,458,374
HARDWICK	-	3,228	501,226
HARVARD	1,487,347	55,090	1,788,048
HARWICH	1,725,972	-	536,099
HATFIELD	790,818	-	388,341
HAVERHILL	34,988,016	2,503,145	9,729,028
HAWLEY	11,355	12,924	40,938
HEATH	-	-	97,533
HINGHAM	4,497,106	334,151	1,630,053
HINSDALE	107,527	-	263,622
HOLBROOK	4,892,252	4,757	1,831,627
HOLDEN	4,441	-	2,132,435
HOLLAND	802,385	-	251,204
HOLLISTON	6,476,816	412,300	1,515,044
HOLYOKE	66,054,475	606,646	12,033,363
HOPEDALE	5,975,497	-	811,561
HOPKINTON	5,538,660	120,287	857,397
HUBBARDSTON	8,196	-	499,004
HUDSON	7,143,855	-	2,481,823
HULL	3,823,493	1,388,549	1,249,035
HUNTINGTON	163,818	-	410,890
IPSWICH	2,393,856	775,432	1,222,398
KINGSTON	3,471,243	-	1,194,599
LAKEVILLE	2,348,711	-	1,018,340
LANCASTER	-	-	1,030,300
LANESBOROUGH	740,946	-	429,319
LAWRENCE	128,507,796	190,699	24,246,271
LEE	1,878,003	-	775,098
LEICESTER	9,525,396	-	2,160,967
LENOX	1,185,273	72,146	591,240

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Municipality	7061-0008 Chapter 70	0611-5500	Lottery Distribution
		Additional Assistance	
LEOMINSTER	35,606,445	11,693	7,111,354
LEVERETT	261,625	-	222,153
LEXINGTON	6,740,205	-	1,907,409
LEYDEN	-	-	101,530
LINCOLN	677,098	292,012	555,277
LITTLETON	2,325,579	164,924	719,766
LONGMEADOW	4,239,607	-	1,738,831
LOWELL	117,869,547	6,340,746	25,007,761
LUDLOW	11,536,063	-	3,802,034
LUNENBURG	4,314,259	-	1,316,140
LYNN	111,461,218	9,477,523	18,388,021
LYNNFIELD	3,411,881	362,288	932,108
MALDEN	37,791,547	5,586,730	10,027,791
MANCHESTER	-	-	276,779
MANSFIELD	15,306,040	725,040	2,051,122
MARBLEHEAD	4,474,407	39,403	1,377,858
MARION	421,906	-	280,827
MARLBOROUGH	9,149,845	2,728,327	4,046,697
MARSHFIELD	14,129,652	202,756	2,493,418
MASHPEE	4,425,065	-	457,904
MATTAPOISETT	531,511	-	504,430
MAYNARD	2,851,685	586,886	1,368,403
MEDFIELD	5,718,333	744,614	1,059,517
MEDFORD	11,321,921	6,432,448	8,313,861
MEDWAY	8,221,437	187,002	1,331,409
MELROSE	5,694,605	2,704,187	3,678,618
MENDON	13,251	-	508,609
MERRIMAC	-	-	906,225
METHUEN	36,113,790	163,026	6,603,980
MIDDLEBOROUGH	16,591,501	-	3,068,505
MIDDLEFIELD	-	-	66,164
MIDDLETON	1,487,833	126,570	554,409
MILFORD	12,145,146	-	3,801,454
MILLBURY	6,643,067	-	2,203,899
MILLIS	2,786,839	320,940	982,106
MILLVILLE	16,148	-	444,249

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Municipality	7061-0008 Chapter 70	0611-5500	
		Additional Assistance	Lottery Distribution
MILTON	4,180,994	1,245,145	2,753,911
MONROE	56,860	13,927	8,958
MONSON	7,241,370	-	1,624,653
MONTAGUE	-	-	1,573,485
MONTEREY	-	12,538	42,742
MONTGOMERY	19,296	-	102,119
MOUNT WASHINGTON	33,752	33,286	4,023
NAHANT	441,588	125,393	344,863
NANTUCKET	1,228,637	-	98,611
NATICK	5,232,584	1,942,474	2,800,177
NEEDHAM	5,124,207	205,993	1,966,680
NEW ASHFORD	163,915	7,313	17,967
NEW BEDFORD	107,414,208	716,255	27,914,157
NEW BRAINTREE	-	-	148,368
NEW MARLBOROUGH	-	-	72,889
NEW SALEM	-	-	127,630
NEWBURY	-	-	565,386
NEWBURYPORT	3,229,204	1,380,057	1,794,165
NEWTON	12,754,101	1,377,012	5,937,030
NORFOLK	3,392,371	-	1,193,541
NORTH ADAMS	14,379,275	185,853	5,335,763
NORTH ANDOVER	5,087,208	120,549	2,430,070
NORTH ATTLEBOROUGH	20,260,350	-	3,580,677
NORTH BROOKFIELD	4,367,043	-	991,720
NORTH READING	5,313,653	945,499	1,264,357
NORTHAMPTON	7,068,616	577,922	4,892,383
NORTHBOROUGH	3,082,735	61,111	1,327,160
NORTHBRIDGE	14,114,803	3,071	2,624,068
NORTHFIELD	-	-	393,981
NORTON	12,560,940	-	2,586,754
NORWELL	2,457,882	541,079	793,111
NORWOOD	4,534,446	2,665,880	3,123,215
OAK BLUFFS	639,762	-	90,514
OAKHAM	77,466	-	238,783
ORANGE	5,097,546	2,115	2,009,259
ORLEANS	246,812	-	213,784

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Municipality	7061-0008 Chapter 70	0611-5500	
		Additional Assistance	Lottery Distribution
OTIS	-	-	45,269
OXFORD	9,240,150	-	2,559,196
PALMER	11,045,384	-	2,495,999
PAXTON	-	-	581,500
PEABODY	19,741,190	3,140,276	5,843,843
PELHAM	210,787	-	198,112
PEMBROKE	11,507,152	-	2,092,132
PEPPERELL	8,571	-	1,591,572
PERU	72,342	-	138,595
PETERSHAM	446,027	-	142,683
PHILLIPSTON	-	4,386	217,474
PITTSFIELD	33,245,313	880,284	9,865,448
PLAINFIELD	41,615	-	62,440
PLAINVILLE	2,618,681	-	944,212
PLYMOUTH	19,542,986	-	4,876,826
PLYMPTON	543,319	-	295,268
PRINCETON	-	-	368,498
PROVINCETOWN	271,201	22,181	149,971
QUINCY	14,388,553	11,567,002	12,198,123
RANDOLPH	11,852,877	1,825,854	4,643,343
RAYNHAM	-	-	1,415,252
READING	8,041,967	1,534,901	2,499,940
REHOBOTH	-	-	1,168,128
REVERE	31,382,971	5,334,444	7,468,366
RICHMOND	344,495	-	134,651
ROCHESTER	1,521,729	-	528,605
ROCKLAND	9,714,945	394,336	2,895,846
ROCKPORT	1,322,612	-	544,597
ROWE	70,474	-	4,903
ROWLEY	-	114,232	557,888
ROYALSTON	-	-	200,393
RUSSELL	178,215	-	303,397
RUTLAND	9,848	-	1,018,632
SALEM	12,876,914	3,298,731	5,286,837
SALISBURY	-	-	786,391
SANDSFIELD	-	-	43,129



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Municipality	0611-5500		
	7061-0008 Chapter 70	Additional Assistance	Lottery Distribution
SANDWICH	6,694,018	88,406	1,314,390
SAUGUS	3,997,139	1,784,087	2,782,000
SAVOY	504,459	13,801	130,406
SCITUATE	4,529,951	875,037	1,628,696
SEEKONK	4,210,223	-	1,531,537
SHARON	6,785,118	62,495	1,679,762
SHEFFIELD	14,610	11,938	291,272
SHELBURNE	-	-	322,652
SHERBORN	464,158	20,951	248,638
SHIRLEY	4,330,455	185,558	1,447,364
SHREWSBURY	17,419,669	298,861	3,168,140
SHUTESBURY	540,635	-	211,060
SOMERSET	4,521,167	-	1,908,916
SOMERVILLE	20,255,639	16,219,924	13,901,505
SOUTH HADLEY	6,422,966	20,214	3,230,315
SOUTHAMPTON	2,496,629	-	793,038
SOUTHBOROUGH	2,735,813	-	544,361
SOUTHBRIDGE	15,829,982	-	4,378,557
SOUTHWICK	-	-	1,417,837
SPENCER	41,637	-	2,432,600
SPRINGFIELD	254,370,403	1,829,496	45,286,984
STERLING	-	-	856,049
STOCKBRIDGE	-	-	124,062
STONEHAM	3,312,881	2,028,958	2,596,588
STOUGHTON	11,464,540	103,134	3,882,402
STOW	-	6,974	516,965
STURBRIDGE	1,820,104	-	964,251
SUDBURY	4,083,932	641,561	1,100,660
SUNDERLAND	877,325	-	629,069
SUTTON	5,245,542	-	971,553
SWAMPSCOTT	2,487,474	352,328	1,258,678
SWANSEA	4,579,269	-	2,337,597
TAUNTON	43,477,482	-	10,468,088
TEMPLETON	-	-	1,507,851
TEWKSBURY	12,918,858	-	3,464,019
TISBURY	371,402	-	122,042

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Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
TOLLAND	-	9,864	11,127
TOPSFIELD	1,069,469	253,284	510,110
TOWNSEND	8,370	-	1,454,476
TRURO	250,250	-	37,443
TYNGSBOROUGH	7,143,646	-	1,202,789
TYRINGHAM	36,619	-	15,801
UPTON	26,091	-	609,527
UXBRIDGE	9,377,789	-	1,712,525
WAKEFIELD	4,647,689	1,438,080	2,754,824
WALES	692,029	-	293,971
WALPOLE	6,479,354	883,775	2,288,218
WALTHAM	7,224,786	5,458,868	6,492,798
WARE	7,988,468	15,257	2,133,475
WAREHAM	11,916,801	-	2,462,468
WARREN	137,959	-	977,727
WARWICK	-	28,890	112,624
WASHINGTON	20,700	23,752	83,022
WATERTOWN	3,182,787	4,427,251	3,521,361
WAYLAND	3,068,068	280,373	844,659
WEBSTER	8,973,217	62,006	3,019,559
WELLESLEY	4,616,898	96,838	1,515,458
WELLFLEET	147,734	-	72,747
WENDELL	-	25,534	182,730
WENHAM	-	139,794	393,324
WEST BOYLSTON	2,880,036	67,754	923,887
WEST BRIDGEWATER	1,930,660	47,212	766,662
WEST BROOKFIELD	239,116	-	591,056
WEST NEWBURY	-	-	350,138
WEST SPRINGFIELD	16,557,686	-	4,460,594
WEST STOCKBRIDGE	-	-	121,013
WEST TISBURY	-	182,434	45,080
WESTBOROUGH	3,731,062	145,058	1,297,207
WESTFIELD	32,840,745	-	7,835,094
WESTFORD	14,023,606	895,514	1,749,484
WESTHAMPTON	392,663	-	180,350
WESTMINSTER	-	-	802,137

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Municipality	0611-5500		
	7061-0008 Chapter 70	Additional Assistance	Lottery Distribution
WESTON	2,217,819	-	465,553
WESTPORT	4,296,424	-	1,514,205
WESTWOOD	3,096,779	36,263	871,741
WEYMOUTH	22,123,277	2,424,084	8,428,323
WHATELY	207,745	-	167,028
WHITMAN	131,107	-	2,606,042
WILBRAHAM	-	-	1,670,683
WILLIAMSBURG	410,847	-	376,807
WILLIAMSTOWN	946,993	-	1,188,275
WILMINGTON	6,758,867	1,254,452	1,840,360
WINCHENDON	10,575,115	25,366	2,068,487
WINCHESTER	4,143,417	344,404	1,497,075
WINDSOR	50,091	28,020	95,075
WINTHROP	5,042,458	2,287,531	2,959,348
WOBURN	5,788,496	3,586,952	3,864,164
WORCESTER	174,025,314	11,809,090	39,912,488
WORTHINGTON	72,331	-	156,335
WRENTHAM	3,688,296	-	1,160,367
YARMOUTH	-	-	1,571,411
Regional Total	608,383,587		

Total	3,725,671,328	378,517,988	935,028,283
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Regional School	7061-0008	
	Chapter 70	
ACTON BOXBOROUGH	5,625,428	
ADAMS CHESHIRE	10,299,351	
AMHERST PELHAM	9,793,582	
ASHBURNHAM WESTMINSTER	9,934,552	
ASSABET VALLEY	2,878,463	
ATHOL ROYALSTON	17,837,209	
BERKSHIRE HILLS	2,793,903	
BERLIN BOYLSTON	892,400	
BLACKSTONE MILLVILLE	10,845,267	

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Regional School	7061-0008 Chapter 70
BLACKSTONE VALLEY	6,607,116
BLUE HILLS	3,875,673
BRIDGEWATER RAYNHAM	20,734,543
BRISTOL COUNTY	2,863,640
BRISTOL PLYMOUTH	8,665,617
CAPE COD	1,986,191
CENTRAL BERKSHIRE	8,550,035
CHESTERFIELD GOSHEN	719,547
CONCORD CARLISLE	1,798,430
DENNIS YARMOUTH	6,712,794
DIGHTON REHOBOTH	12,595,982
DOVER SHERBORN	1,385,096
DUDLEY CHARLTON	23,069,087
ESSEX COUNTY	4,103,096
FARMINGTON RIVER	401,956
FRANKLIN COUNTY	3,264,349
FREETOWN LAKEVILLE	7,200,036
FRONTIER	2,814,392
GATEWAY	5,921,631
GILL MONTAGUE	6,375,223
GREATER FALL RIVER	13,901,536
GREATER LAWRENCE	21,344,609
GREATER LOWELL	19,937,045
GREATER NEW BEDFORD	21,235,693
GROTON DUNSTABLE	10,757,109
HAMILTON WENHAM	3,408,380
HAMPDEN WILBRAHAM	11,187,984
HAMPSHIRE	2,812,809
HAWLEMONT	625,635
KING PHILIP	7,139,022
LINCOLN SUDBURY	2,374,621
MANCHESTER ESSEX	1,597,236
MARTHAS VINEYARD	2,861,785
MASCONOMET	4,933,394
MENDON UPTON	11,687,996
MINUTEMAN	2,272,053
MOHAWK TRAIL	6,204,233



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Regional School	7061-0008 Chapter 70
MONTACHUSETT	11,523,969
MOUNT GREYLOCK	1,727,227
NARRAGANSETT	10,077,460
NASHOBA	6,289,004
NASHOBA VALLEY	2,494,673
NAUSET	3,379,473
NEW SALEM WENDELL	663,419
NORFOLK COUNTY	911,205
NORTH MIDDLESEX	20,148,846
NORTH SHORE	1,627,614
NORTHAMPTON SMITH	947,961
NORTHBORO SOUTHBORO	2,591,421
NORTHEAST METROPOLITAN	7,065,299
NORTHERN BERKSHIRE	4,189,164
OLD COLONY	3,292,273
OLD ROCHESTER	1,954,417
PATHFINDER	4,792,469
PENTUCKET	13,258,787
PIONEER	4,078,816
QUABBIN	16,898,056
QUABOAG	8,281,608
RALPH C MAHAR	5,383,907
SHAWSHEEN VALLEY	4,474,594
SILVER LAKE	6,377,611
SOUTH MIDDLESEX	2,493,762
SOUTH SHORE	3,409,503
SOUTHEASTERN	11,013,570
SOUTHERN BERKSHIRE	1,862,619
SOUTHERN WORCESTER	8,337,187
SOUTHWICK TOLLAND	8,037,753
SPENCER EAST BROOKFIELD	13,522,201
TANTASQUA	7,855,113
TRI COUNTY	4,790,141
TRITON	8,463,498
UPISLAND	824,474
UPPER CAPE COD	2,884,730
WACHUSETT	19,346,201

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	7061-0008
Regional School	Chapter 70
WHITMAN HANSON	22,947,017
WHITTIER	5,340,815
Regional Total	608,383,587

**SECTION 4.** Chapter 10 of the General Laws is hereby amended by inserting after section 35CC the following 2 sections:-

Section 35DD. There shall be established and set up on the books of the commonwealth a separate fund to be known as the State Parks Preservation Trust Fund, to be expended without prior appropriation, by the secretary of energy and environmental affairs for the purposes of maintaining and preserving all state-owned parks for the enjoyment of the public. The fund shall consist of all revenues received by the commonwealth from: (1) public and private sources as gifts, grants and donations to further park protection programs; and (2) the federal government as reimbursements, grants-in-aid or other receipts on account of such preservation efforts.

All revenues credited pursuant to this section shall remain in the State Parks Preservation Trust Fund to assist the commonwealth in paying all or part of the costs to manage, preserve, protect, perpetuate and enhance state-owned parks. No expenditure from the fund shall cause the fund to be in deficiency at the close of a fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

Section 35EE. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Covenant Fund, to make loan payments on behalf of graduates of Massachusetts public institutions of higher education who are employed in the areas of science, technology, engineering and mathematics hereinafter referred to as STEM. The fund shall be administered by the state treasurer, in consultation with the board of trustees. No expenditure from the fund shall cause the fund to be in deficiency at the close of a fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

There shall be established a board of trustees consisting of the state treasurer, who shall serve as chair, the president of the University of Massachusetts, and 16 members, 1 of whom shall be appointed by the senate president, 1 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall be appointed by the minority leader of the senate, 1 of whom shall be appointed by the minority leader of the house of representatives, and 12 of whom shall be appointed by the state treasurer, at least 1 of whom shall be from each of the following fields:- biotechnology; healthcare; computers and mathematics; life, physical and social sciences; architecture and engineering; principals of

public high schools; and presidents of state colleges. Of the members appointed by the state treasurer, one third shall be appointed for 1-year terms, one third shall be appointed for 2-year terms and one third shall be appointed for 3-year terms. After the initial terms are served, all terms shall be for 3 years and board members may be reappointed in perpetuity.

Subject to appropriation, the commonwealth shall deposit not more than \$4,000,000 annually into the fund. The fund may accept private contributions. Private contributions and commonwealth deposits to the fund may be expended without further appropriation only to make the loan payments and to administer the program on behalf of eligible graduates of public institutions of higher education in the commonwealth. Eligible loans shall not include credit card loans or loans taken out by the eligible student's parent or guardian.

The fund shall be administered by the state treasurer using procedures established by the board of trustees. The board shall file these procedures with the senate and house committees on ways and means, the joint committee on higher education and the secretary of administration and finance not later than 30 days after promulgation of said procedures by the board. The board shall file any amendments to the procedures with the senate and house committees on ways and means, the joint committee on higher education and the secretary of administration and finance not later than 30 days after the board adopts said amendments. The procedures shall include a method for the board of trustees to certify to the senate and house committees on ways and means, the joint committee on higher education and the secretary of administration and finance the actual amount received in private contributions to the fund in each fiscal year. The procedures shall also include safeguards for protecting the anonymity of donors who desire not to be identified.

Grants provided from the fund shall, in addition to any restrictions adopted by the board of trustees, be restricted as follows: (1) a recipient shall have graduated from a public institution of higher education in the commonwealth on or after December 1, 2007 with a degree in a STEM field within 3 years of reaching junior-year standing in the program selected at a 4-year institution; provided, that for the purposes of this section, eligible STEM fields may include: healthcare practitioners and technical occupations; computer and mathematical occupations; life, physical and social sciences occupations; and architecture and engineering occupations; provided further, that the eligible STEM fields shall also include teaching in any of the aforementioned areas; (2) a recipient shall have graduated from a public institution of higher education in the commonwealth with a cumulative grade point average of 3.0 or greater; (3) a recipient's family income during the recipient's final year of enrollment at a public institution of higher education in the commonwealth as documented on the Free Application for Federal Student Aid form shall have been at or below 300 per cent of the federal poverty level applicable in that year; (4) a recipient shall have completed at least 1 year of employment in a STEM field within the commonwealth; (5) a recipient shall reside in the commonwealth; and (6) a recipient's annual salary shall not exceed \$65,000 per year for a single filer and \$80,000 per year for joint filers.

Grants shall be awarded in an amount not to exceed \$5,000 annually per recipient and

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shall not exceed \$15,000 cumulatively per recipient. The grants shall be paid from the fund directly to the lender on behalf of an eligible graduate.

The board of trustees shall, every 3 years, undertake a review of the eligibility requirements in subsection (e) and the workforce needs of the commonwealth to determine which occupations could benefit from an award as provided in this section and which occupations, if any, no longer require this program. The board may amend the eligibility requirements and expand or contract the program in accordance with the changing workforce needs of the commonwealth.

**SECTION 5.** Chapter 15A of the General Laws is hereby amended by inserting after section 22 the following section:-

Section 22A. (a) For purposes of this section, the following words shall have the following meanings:-

“Board”, the board of trustees of the Roxbury Community College.

“Center”, the Reggie Lewis Track and Athletic Center established in subsection (b).

“College”, the Roxbury Community College.

“Use for nonpublic purposes”, shall include, but not be limited to, the leasing or renting of the building for commercial entertainment activity.

“Use for public purposes”, shall include, but not be limited to, use by public high school track programs, members of the abutting residential community or by members of the community at large and students, faculty, staff and alumni at Roxbury Community College.

(b) There shall be established the Reggie Lewis Track and Athletic Center at Roxbury Community College. The center shall be a building containing a Massachusetts state track facility which shall be maintained at the college for public purposes. In the event the facility is not in use for public purposes, the board may permit use for nonpublic purposes for a rental amount to be determined by said board.

(c) The board shall be responsible for the management and operation of the center including, but not limited to, the following:-

(i) establishing user fees;

(ii) entering into agreements with the Massachusetts State Track Coaches Association, with other public groups and, pursuant to this section, with nonpublic groups for nonpublic purposes;

(iii) establishing rules and regulations for the use of the center by Massachusetts public high school track programs, by members of the abutting residential neighborhoods and members of the community at large, by students, faculty and staff and alumni of Roxbury Community College, and, by nonpublic groups for nonpublic purposes in accordance with this section;

(iv) deciding the priority of uses and schedule for the center, with input from an advisory committee;

and (v) entering into agreements with vendors to provide concession stand services and other agreements as deemed necessary by the board for the maintenance and operation of the center.



(d) The center shall be made available without charge for use by public high school track programs and Roxbury Community College. The center shall be made available on a user fee basis for members of the public. The center shall be made available at market rate, as determined by the board, for use for nonpublic purposes so long as the center is not being used for public purposes.

(e) The annual operating expenses of the center shall be separate and distinct from appropriations within the general appropriations act for the college, shall use a separate item of appropriation and shall be audited biennially by the state auditor.

**SECTION 6.** Chapter 22 of the General Laws is hereby amended by striking out section 12, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:—

Section 12. There shall be in the department a commission, to be known as the state boxing commission, which shall consist of 3 members to be appointed by the governor with the advice and consent of the council, for terms of 3 years each. The governor, with the advice and consent of the council, shall from time to time designate 1 member of said commission as chairman. The members shall receive their traveling expenses necessarily incurred in the performance of their duties, and the commission shall be allowed such sums for clerical assistance as the governor and council may approve. The secretary of public safety shall act as the secretary of the commission and shall keep full and true records of all its proceedings. The commission may deputize 1 or more persons to represent the commission, and to be present at any match or exhibition authorized to be held under sections 32 to 51, inclusive, of chapter 147. Such persons may receive such compensation for their traveling expenses necessarily incurred in the discharge of their duties.

**SECTION 7.** Section 2EEE of chapter 29 of the General Laws is hereby repealed.

**SECTION 8.** Chapter 32A of the General Laws is hereby amended by adding the following section:—

Section 24. (a) There shall be and set up on the books of the commonwealth a fund to be known as the State Retiree Benefits Trust Fund, hereinafter in this section referred to as the fund. The pension reserves investment management board established pursuant to section 23 of chapter 32, in this section called the board, shall be the trustee of and shall administer the fund. For the purposes of this section the secretary of the executive office of administration and finance, or his designee, and the executive director of the group insurance commission established pursuant to section 3 of chapter 32A or his designee, shall be members of the board. The provisions of section 23 of chapter 32 shall apply to the management of the fund. The fund shall be an expendable trust not subject to appropriation.

(b) The purpose of said fund shall be for depositing, investing and disbursing amounts set aside solely to meet liabilities of the state employees' retirement system for health care and other non-pension benefits for retired members of the system. There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets and all other sources.

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Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(c) Upon request of the group insurance commission established, the board may expend amounts in the fund, without further appropriation, to pay the costs of health care and other non-pension benefits for retired members of the state retirement system; provided, however, that said group insurance commission shall remain responsible for administering the payment of, and determining the terms, conditions, schedule of benefits, carriers and eligibility for, health care and other non-pension benefits for retired members of the state retirement system.

(d) Upon authorization by the board, any other retirement system of the commonwealth may participate in the fund using the same procedures required for participation in the PRIT Fund pursuant to section 22 of chapter 32.

(e) The fund shall be revocable only when all such health care and other non-pension benefits, current and future, payable pursuant to this chapter have been paid or defeased.

**SECTION 9.** Section 6A of chapter 40J of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 16, the words “the director of the office of business and technology” and inserting in place thereof the following words:- the undersecretary of business development.

**SECTION 10.** Said section 6A of said chapter 40J, as so appearing, is hereby further amended by striking out, in line 19, the words “house and senate committees on science and technology” and inserting in place thereof the following words:- joint committee on economic development and emerging technologies.

**SECTION 11.** Said section 6A of said chapter 40J, as so appearing, is hereby further amended by inserting after the word “the” in line 66, the following words:- joint committee on economic development and emerging technologies and the.

**SECTION 12.** Section 9A of chapter 118E of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(16) The division shall enroll MassHealth members in available employer-sponsored health insurance if that insurance meets the criteria for MassHealth payment of premium assistance and if federal approval will be obtained to ensure federal reimbursement for premium assistance for that insurance.

**SECTION 13.** Section 10F of said chapter 118E, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The cost of the program shall be funded in part by premiums contributed by enrollees. The premiums shall be set forth in regulations of the executive office of health and human services; but, enrollees in households earning less than 200 per cent of the federal poverty level shall not be responsible for contributing to program premium costs.

**SECTION 14.** Section 25 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out, in lines 24 and 25, the words “Health Care Security Trust Fund established pursuant to chapter 29D” and inserting in place thereof the following words:— General Fund.

**SECTION 15.** Said chapter 118G is hereby further amended by adding the following 6 sections:-

Section 34. As used in sections 34 to 39, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Acute hospital”, the teaching hospital of the University of Massachusetts medical school and any hospital licensed under section 51 of chapter 111 and which contains a majority of medical-surgical, pediatric, obstetric and maternity beds, as defined by the department of public health.

“Allowable reimbursement”, payment to acute hospitals and community health centers for health services provided to uninsured or underinsured patients of the commonwealth under section 39 and any further regulations promulgated by the health safety net office.

“Ambulatory surgical center”, a distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and meets the requirements of the federal Health Care Financing Administration for participation in the Medicare program.

“Ambulatory surgical center services”, services described for purposes of the Medicare program under 42 U.S.C. 1395k(a)(2)(F)(I). These services include facility services only and do not include surgical procedures.

“Bad debt”, an account receivable based on services furnished to a patient which: (i) is regarded as uncollectible, following reasonable collection efforts consistent with regulations of the office, which regulations shall allow third party payers to negotiate with hospitals to collect the bad debts of its enrollees; (ii) is charged as a credit loss; (iii) is not the obligation of a governmental unit or the federal government or any agency thereof; and (iv) is not a reimbursable health care service.

“Community health center”, a health center operating in conformance with the requirements of Section 330 of United States Public Law 95-626, including all community health centers which file cost reports as requested by the division of health care finance and policy.

“Critical access services”, those health services which are generally provided only by acute hospitals, as further defined in regulations promulgated by the division.

“Director”, the director of the health safety net office.

“DRG”, a patient classification scheme known as diagnosis related grouping, which provides a means of relating the type of patients a hospital treats, such as its case mix, to the cost incurred by the hospital.

“Emergency bad debt”, bad debt resulting from emergency services provided by an acute hospital to an uninsured or underinsured patient or other individual who has an emergency medical condition that is regarded as uncollectible, following reasonable collection efforts consistent with regulations of the office.

“Emergency medical condition”, a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence



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of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in placing the health of the person or another person in serious jeopardy, serious impairment to body function or serious dysfunction of any body organ or part or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. 1295dd(e)(1)(B).

“Emergency services”, medically necessary health care services provided to an individual with an emergency medical condition.

“Financial requirements”, a hospital’s requirement for revenue which shall include, but not be limited to, reasonable operating, capital and working capital costs, the reasonable costs of depreciation of plant and equipment and the reasonable costs associated with changes in medical practice and technology.

“Fund”, the Health Safety Net Trust Fund established under section 36.

“Fund fiscal year”, the 12-month period starting in October and ending in September.

“Gross patient service revenue”, the total dollar amount of a hospital’s charges for services rendered in a fiscal year.

“Health services”, medically necessary inpatient and outpatient services as mandated under Title XIX of the federal Social Security Act. Health services shall not include: (1) nonmedical services, such as social, educational and vocational services; (2) cosmetic surgery; (3) canceled or missed appointments; (4) telephone conversations and consultations; (5) court testimony; (6) research or the provision of experimental or unproven procedures including, but not limited to, treatment related to sex-reassignment surgery and pre-surgery hormone therapy; and (7) the provision of whole blood, but the administrative and processing costs associated with the provision of blood and its derivatives shall be payable.

“Office”, the health safety net office established under section 35.

“Payments subject to surcharge”, all amounts paid, directly or indirectly, by surcharge payors to acute hospitals for health services and ambulatory surgical centers for ambulatory surgical center services; provided, however, that “payments subject to surcharge” shall not include: (i) payments, settlements and judgments arising out of third party liability claims for bodily injury which are paid under the terms of property or casualty insurance policies; (ii) payments made on behalf of Medicaid recipients, Medicare beneficiaries or persons enrolled in policies issued under chapter 176K or similar policies issued on a group basis; and provided further, that “payments subject to surcharge” may exclude amounts established under regulations promulgated by the division for which the costs and efficiency of billing a surcharge payor or enforcing collection of the surcharge from a surcharge payor would not be cost effective.

“Pediatric hospital”, an acute care hospital which limits services primarily to children and which qualifies as exempt from the Medicare Prospective Payment system regulations.

“Pediatric specialty unit”, a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994 exceeded 0.20. In calculating that ratio, licensed pediatric beds shall include the total of all pediatric service



beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G.

"Private sector charges", gross patient service revenue attributable to all patients less gross patient service revenue attributable to Titles XVIII and XIX, other public-aided patients, reimbursable health services and bad debt.

"Reimbursable health services", health services provided to uninsured and underinsured patients who are determined to be financially unable to pay for their care, in whole or part, under applicable regulations of the office; provided that the health services are emergency, urgent and critical access services provided by acute hospitals or services provided by community health centers; and provided further, that such services shall not be eligible for reimbursement by any other public or private third-party payer.

"Resident", a person living in the commonwealth, as defined by the office by regulation; provided, however, that such regulation shall not define as a resident a person who moved into the commonwealth for the sole purpose of securing health insurance under this chapter. Confinement of a person in a nursing home, hospital or other medical institution shall not in and of itself, suffice to qualify such person as a resident.

"Surcharge payor", an individual or entity that pays for or arranges for the purchase of health care services provided by acute hospitals and ambulatory surgical center services provided by ambulatory surgical centers, as defined in this section; provided, however, that the term "surcharge payor" shall not include Title XVIII and Title XIX programs and their beneficiaries or recipients, other governmental programs of public assistance and their beneficiaries or recipients and the workers' compensation program established under chapter 152.

"Underinsured patient", a patient whose health insurance plan or self-insurance health plan does not pay, in whole or in part, for health services that are eligible for reimbursement from the health safety net trust fund, provided that such patient meets income eligibility standards set by the office.

"Uninsured patient", a patient who is a resident of the commonwealth, who is not covered by a health insurance plan or a self-insurance health plan and who is not eligible for a medical assistance program.

Section 35. (a) There shall be established within the division of health care finance and policy a health safety net office which shall be under the supervision and control of a director. The director shall be appointed by the commissioner, in consultation with the secretary of health and human services and the Medicaid director, and shall be a person of skill and experience in the field of health care finance and administration. The director shall be the executive and administrative head of the office and shall be responsible for administering and enforcing the provisions of law relative to the office and to each administrative unit thereof. The director shall receive such salary as may be determined by law, and shall devote his full time to the duties of his office. In the case of an absence or vacancy in the office of the director, or in the case of disability as determined by the commissioner, the commissioner may designate an acting director to serve as director until the vacancy is filled

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or the absence or disability ceases. The acting director shall have all the powers and duties of the director and shall have similar qualifications as the director.

(b) The office shall have the following powers and duties: (1) to administer the Health Safety Net Trust Fund, established under section 36, and to require payments to the fund consistent with acute hospitals' and surcharge payors' liability to the fund, as determined under sections 37 and 38, and any further regulations promulgated by the office; (2) to set, after consultation with the office of Medicaid, reimbursement rates for payments from the fund to acute hospitals and community health centers for reimbursable health services provided to uninsured and underinsured patients and to disburse monies from the fund consistent with such rates; provided that the office shall implement a fee-for-service reimbursement system for acute hospitals; (3) to promulgate regulations further defining: (a) eligibility criteria for reimbursable health services; (b) the scope of health services that are eligible for reimbursement by the Health Safety Net Trust Fund; (c) standards for medical hardship; and (d) standards for reasonable efforts to collect payments for the costs of emergency care. The office shall implement procedures for verification of eligibility using the eligibility system of the office of Medicaid and other appropriate sources to determine the eligibility of uninsured and underinsured patients for reimbursable health services and shall establish other procedures to ensure that payments from the fund are made for health services for which there is no other public or private third party payer, including disallowance of payments to acute hospitals and community health centers for health services provided to individuals if reimbursement is available from other public or private sources; (4) to develop programs and guidelines to encourage maximum enrollment of uninsured individuals who receive health services reimbursed by the fund into health care plans and programs of health insurance offered by public and private sources and to promote the delivery of care in the most appropriate setting, provided that the programs and guidelines are developed in consultation with the commonwealth health insurance connector, established under chapter 176Q. These programs shall not deny payments from the fund because services should have been provided in a more appropriate setting if the hospital was required to provide the services under 42 U.S.C. 1395 (dd); (5) to conduct a utilization review program designed to monitor the appropriateness of services for which payments were made by the fund and to promote the delivery of care in the most appropriate setting; and to administer demonstration programs that reduce health safety net trust fund liability to acute hospitals, including a demonstration program to enable disease management for patients with chronic diseases, substance abuse and psychiatric disorders through enrollment of patients in community health centers and community mental health centers and through coordination between these centers and acute hospitals, provided, that the office shall report the results of these reviews annually to the joint committee on health care financing and the house and senate committees on ways and means; (6) to administer, in consultation with the office of Medicaid, the Essential Community Provider Trust Fund, established under section 2PPP of chapter 29, and to make expenditures from that fund without further appropriation

for the purpose of improving and enhancing the ability of acute hospitals and community health centers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services, and pharmacy management services through a grant program. The office shall consider applications from acute hospitals and community health centers in awarding the grants. The criteria for selection shall include, but not be limited to, the following: (a) the financial performance of the provider as determined, in the case of applications from acute hospitals, quarterly by the division of health care finance and policy and by consulting other appropriate measurements of financial performance; (b) the percentage of patients with mental or substance abuse disorders served by a provider; (c) the numbers of patients served by a provider who are chronically ill, elderly, or disabled; (d) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Trust Fund; (e) the percentage of total annual operating revenue that funding received in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; and (f) the cultural and linguistic challenges presented by the populations served by the provider; (7) to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with a private individual, partnership, firm, corporation, association or other entity, and to make contracts and execute all instruments necessary or convenient for the carrying on of its business; (8) to secure payment, without imposing undue hardship upon any individual, for unpaid bills owed to acute hospitals by individuals for health services that are ineligible for reimbursement from the Health Safety Net Trust Fund which have been accounted for as bad debt by the hospital and which are voluntarily referred by a hospital to the department for collection; provided, however that such unpaid charges shall be considered debts owed to the commonwealth and all payments received shall be credited to the fund; and provided, further, that all actions to secure such payments shall be conducted in compliance with a protocol previously submitted by the office to the joint committee on health care financing; (9) to require hospitals and community health centers to submit to the office data that it reasonably considers necessary; (10) to make, amend and repeal rules and regulations to effectuate the efficient use of monies from the Health Safety Net Trust Fund; provided, however, that the regulations shall be promulgated only after notice and hearing and only upon consultation with the board of the commonwealth health insurance connector, the secretary of health and human services, the director of the office of Medicaid and representatives of the Massachusetts Hospital Association, the Massachusetts Council of Community Hospitals, the Alliance of Massachusetts Safety Net Hospitals and the Massachusetts League of Community Health Centers; and (11) to provide an annual report at the close of each fund fiscal year, in consultation with the office of Medicaid, to the joint committee on health care financing and



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the house and senate committees on ways and means, evaluating the processes used to determine eligibility for reimbursable health services, including the Virtual Gateway. The report shall include, but not be limited to, the following: (i) an analysis of the effectiveness of these processes in enforcing eligibility requirements for publicly-funded health programs and in enrolling uninsured residents into programs of health insurance offered by public and private sources; (ii) an assessment of the impact of these processes on the level of reimbursable health services by providers; and (iii) recommendations for ongoing improvements that will enhance the performance of eligibility determination systems and reduce hospital administrative costs.

Section 36. (a) There shall be established and set up on the books of the commonwealth a fund to be known as the Health Safety Net Trust Fund, in this section and in sections 37 to 39, inclusive, called the fund, which shall be administered by the office. Expenditures from the fund shall not be subject to appropriation unless otherwise required by law. The purpose of the fund shall be to maintain a health care safety net by reimbursing hospitals and community health centers for a portion of the cost of reimbursable health services provided to low-income, uninsured or underinsured residents of the commonwealth. The office shall administer the fund using such methods, policies, procedures, standards and criteria that it deems necessary for the proper and efficient operation of the fund and programs funded by it in a manner designed to distribute the fund resources as equitably as possible.

(b) The fund shall consist of all amounts paid by acute hospitals and surcharge payors under sections 37 and 38; all appropriations for the purpose of payments to acute hospitals or community health centers for health services provided to uninsured and underinsured residents; any transfers from the Commonwealth Care Trust Fund, established under section 2000 of chapter 29; and all property and securities acquired by and through the use of monies belonging to the fund and all interest thereon. Amounts placed in the fund shall, except for amounts transferred to the Commonwealth Care Trust Fund, be expended by the office for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents of the commonwealth, consistent with the requirements of this section and section 39 and the regulations promulgated by the office; provided, however, that \$6,000,000 shall be expended annually from the fund for demonstration projects that use case management and other methods to reduce the liability of the fund to acute hospitals. Any annual balance remaining in the fund after these payments have been made shall be transferred to the Commonwealth Care Trust Fund. All interest earned on the amounts in the fund shall be deposited or retained in the fund. The director shall from time to time requisition from the fund amounts that he considers necessary to meet the current obligations of the office for the purposes of the fund and estimated obligations for a reasonable future period.

Section 37. (a) An acute hospital's liability to the fund shall equal the product of (1) the ratio of its private sector charges to all acute hospitals' private sector charges; and (2)



\$160,000,000. Annually, before October 1, the office, in consultation with the office of Medicaid, shall establish each acute hospital's liability to the fund using the best data available, as determined by the division, and shall update each acute hospital's liability to the fund as updated information becomes available. The office shall specify by regulation an appropriate mechanism for interim determination and payment of an acute hospital's liability to the fund. An acute hospital's liability to the fund shall in the case of a transfer of ownership be assumed by the successor in interest to the acute hospital.

(b) The office shall establish by regulation an appropriate mechanism for enforcing an acute hospital's liability to the fund in the event that an acute hospital does not make a scheduled payment to the fund. These enforcement mechanisms may include (1) notification to the office of Medicaid requiring an offset of payments on the Title XIX claims of any such acute hospital or any health care provider under common ownership with the acute care hospital or any successor in interest to the acute hospital, and (2) the withholding by the office of Medicaid of the amount of payment owed to the fund, including any interest and late fees, and the transfer of the withheld funds into the fund. If the office of Medicaid offsets claims payments as ordered by the office, it shall not be considered to be in breach of contract or any other obligation for the payment of non-contracted services, and providers whose payment is offset under an order of the division shall serve all Title XIX recipients under the contract then in effect with the office of Medicaid, or, in the case of a non-contracting or disproportionate share hospital, under its obligation for providing services to Title XIX recipients under this chapter. In no event shall the office direct the office of Medicaid to offset claims unless an acute hospital has maintained an outstanding obligation to the fund for a period longer than 45 days and has received proper notice that the division intends to initiate enforcement actions under regulations promulgated by the office.

Section 38. (a) Acute hospitals and ambulatory surgical centers shall assess a surcharge on all payments subject to surcharge as defined in section 34. The surcharge shall be distinct from any other amount paid by a surcharge payor for the services of an acute hospital or ambulatory surgical center. The surcharge amount shall equal the product of (i) the surcharge percentage and (ii) amounts paid for these services by a surcharge payor. The office shall calculate the surcharge percentage by dividing \$160,000,000 by the projected annual aggregate payments subject to the surcharge. The office shall determine the surcharge percentage before the start of each fund fiscal year and may redetermine the surcharge percentage before April 1 of each fund fiscal year if the office projects that the initial surcharge established the previous October will produce less than \$150,000,000 or more than \$170,000,000. Before each succeeding October 1, the office shall redetermine the surcharge percentage incorporating any adjustments from earlier years. In each determination or redetermination of the surcharge percentage, the office shall use the best data available as determined by the division and may consider the effect on projected surcharge payments of any modified or waived enforcement pursuant to subsection (e). The office shall incorporate all adjustments, including, but not limited to, updates or corrections or final settlement amounts, by prospective adjustment rather than by retrospective payments or assessments.

(b) Each acute hospital and ambulatory surgical center shall bill a surcharge payor an amount equal to the surcharge described in subsection (a) as a separate and identifiable amount distinct from any amount paid by a surcharge payor for acute hospital or ambulatory surgical center services. Each surcharge payor shall pay the surcharge amount to the office for deposit in the Health Safety Net Trust Fund on behalf of said acute hospital or ambulatory surgical center. Upon the written request of a surcharge payor, the office may implement another billing or collection method for the surcharge payor; provided, however, that the office has received all information that it requests which is necessary to implement such billing or collection method; and provided further, that the office shall specify by regulation the criteria for reviewing and approving such requests and the elements of such alternative method or methods.

(c) The office shall specify by regulation appropriate mechanisms that provide for determination and payment of a surcharge payor's liability, including requirements for data to be submitted by surcharge payors, acute hospitals and ambulatory surgical centers.

(d) A surcharge payor's liability to the fund shall in the case of a transfer of ownership be assumed by the successor in interest to the surcharge payor.

(e) The office shall establish by regulation an appropriate mechanism for enforcing a surcharge payor's liability to the fund if a surcharge payor does not make a scheduled payment to the fund; provided, however, that the office may, for the purpose of administrative simplicity, establish threshold liability amounts below which enforcement may be modified or waived. Such enforcement mechanism may include assessment of interest on the unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate not to exceed 5 per cent per month. Such enforcement mechanism may also include notification to the office of Medicaid requiring an offset of payments on the claims of the surcharge payor, any entity under common ownership or any successor in interest to the surcharge payor, from the office of Medicaid in the amount of payment owed to the fund including any interest and penalties, and to transfer the withheld funds into said fund. If the office of Medicaid offsets claims payments as ordered by the office, the office of Medicaid shall be considered not to be in breach of contract or any other obligation for payment of non-contracted services, and a surcharge payor whose payment is offset under an order of the division shall serve all Title XIX recipients under the contract then in effect with the executive office of health and human services. In no event shall the office direct the office of Medicaid to offset claims unless the surcharge payor has maintained an outstanding liability to the fund for a period longer than 45 days and has received proper notice that the office intends to initiate enforcement actions under regulations promulgated by the office.

(f) If a surcharge payor fails to file any data, statistics or schedules or other information required under this chapter or by any regulation promulgated by the office, the office shall provide written notice to the payor. If a surcharge payor fails to provide required information within 14 days after the receipt of written notice, or falsifies the same, he shall

be subject to a civil penalty of not more than \$5,000 for each day on which the violation occurs or continues, which penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. The attorney general shall bring any appropriate action, including injunctive relief, necessary for the enforcement of this chapter.

Section 39. (a) Reimbursements from the fund to hospitals and community health centers for health services provided to uninsured and underinsured individuals shall be subject to further rules and regulations promulgated by the office and shall be made in the following manner:-

(1) Reimbursements made to acute hospitals shall be based on actual claims for health services provided to uninsured and underinsured patients that are submitted to the office, and shall be made only after determination that the claim is eligible for reimbursement under this chapter and any additional regulations promulgated by the office. Reimbursements for health services provided to residents of other states and foreign countries shall be prohibited, and the office shall make payments to acute hospitals using fee-for-service rates calculated as provided in paragraphs (4) and (5).

(2) The office shall, in consultation with the office of Medicaid, develop and implement procedures to verify the eligibility of individuals for whom health services are billed to the fund and to ensure that other coverage options are used fully before services are billed to the fund, including procedures adopted under section 36. The office shall review all claims billed to the fund to determine whether the patient is eligible for medical assistance under the provisions of this chapter and whether any third party is financially responsible for the costs of care provided to the patient. In making these determinations, the office shall verify the insurance status of each individual for whom a claim is made using all sources of data available to the office. The office shall refuse to allow payments or shall disallow payments to acute hospitals and community health centers for free care provided to individuals if reimbursement is available from other public or private sources; provided, that payments shall not be denied from the fund because services should have been provided in a more appropriate setting if the hospital was required to provide these services under 42 U.S.C. 1395(dd).

(3) The office shall require acute hospitals and community health centers to screen each applicant for reimbursed care for other sources of coverage and for potential eligibility for government programs, and to document the results of that screening. If an acute hospital or community health center determines that an applicant is potentially eligible for Medicaid or for the commonwealth care health insurance program, established pursuant to chapter 118H, or another assistance program, the acute hospital or community health center shall assist the applicant in applying for benefits under that program. The office shall audit the accounts of acute hospitals and community health centers to determine compliance with this section and shall deny payments from the fund for any acute hospital or community health center that fails to document compliance with this section.

(4) For the purposes of paying community health centers for health services provided to uninsured individuals under this section, the office shall pay community health centers a



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base rate that shall be no less than the then-current Medicare Federally Qualified Health Center rate as required under 42 U.S.C. 13951 (a)(3), and the office shall add payments for additional services not included in the base rate, including, but not limited to, EPSDT services, 340B pharmacy, urgent care, and emergency room diversion services.

(5) Reimbursements to acute hospitals and community health centers for bad debt shall be made upon submission of evidence, in a form to be determined by the office, that reasonable efforts to collect the debt have been made.

(6) The office shall reimburse acute hospitals for health services provided to individuals based on the payment systems in effect for acute hospitals used by the United States Department of Health and Human Services Centers for Medicare & Medicaid Services to administer the Medicare Program under Title XVIII of the Social Security Act, including all of Medicare's adjustments for direct and indirect graduate medical education, disproportionate share, outliers, organ acquisition, bad debt, new technology and capital and the full amount of the annual increase in the Medicare hospital market basket index. The office shall, in consultation with the office of Medicaid and the Massachusetts Hospital Association, promulgate regulations necessary to modify these payment systems to account for: (i) the differences between the program administered by the office and the Title XVIII Medicare program, including the services and benefits covered; (ii) grouper and DRG relative weights for purposes of calculating the payment rates to reimburse acute hospitals at rates no less than the rates they are reimbursed by Medicare; (iii) the extent and duration of covered services; (iv) the populations served; and (v) any other adjustments to the payment methodology under this section as considered necessary by the office, based upon circumstances of individual hospitals.

Following implementation of this section, the office shall ensure that the allowable reimbursement rates under this section for health services provided to uninsured individuals shall not thereafter be less than rates of payment for comparable services under the Medicare program, taking into account the adjustments required by this section.

(b) By April 1 of the year preceding the start of the fund fiscal year, the office shall, after consultation with the office of Medicaid, and using the best data available, provide an estimate of the projected total reimbursable health services provided by acute hospitals and community health centers and emergency bad debt costs, the total funding available, and any projected shortfall after adjusting for reimbursement payments to community health centers. If a shortfall in revenue exists in any fund fiscal year to cover projected costs for reimbursement of health services, the office shall allocate that shortfall in a manner that reflects each hospital's proportional financial requirement for reimbursements from the fund, including, but not limited to, the establishment of a graduated reimbursement system and under any additional regulations promulgated by the office.

(c) The executive office of health and human services directly or through the division shall enter into interagency agreements with the department of revenue to verify income data for patients whose health care services are reimbursed by the Health Safety Net Trust Fund



and to recover payments made by the fund for services provided to individuals who are ineligible to receive reimbursable health services or on whose behalf the fund has paid for emergency bad debt. The division shall promulgate regulations requiring acute hospitals to submit data that will enable the department of revenue to pursue recoveries from individuals who are ineligible for reimbursable health services and on whose behalf the fund has made payments to acute hospitals for such services or emergency bad debt. Any amounts recovered, including amounts received under chapter 62D, shall be deposited in the Health Safety Net Trust Fund, established in section 36.

(d) The office shall not at any time make payments from the fund for any period in excess of amounts that have been paid into or are available in the fund for that period, but the office may temporarily prorate payments from the fund for cash flow purposes.

**SECTION 16.** Subsection (d) of section 188 of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence:- Before depositing the amounts, the director may deduct all administrative costs incurred by the division of unemployment assistance as a result of this section, including an amount as determined by the United States Secretary of Labor in accordance with federal cost rules. Except where inconsistent with this section, the terms and conditions of chapter 151A which are applicable to the payment and collection of contributions shall apply to the same extent to the payment and collection of any obligation under this section.

**SECTION 17.** Subsection (c) of section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by adding the following clause:-

(7) to the division of health care finance and policy, an interagency agreement for the administration and enforcement of sections 6B, 6C and 18B of chapter 118G and for the administration of the fair share employer contribution requirement under section 188 of chapter 149.

**SECTION 18.** Chapter 159B of the General Laws is hereby amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. Each interstate carrier by motor vehicle transporting over the ways within the commonwealth for compensation shall register and identify with the department pursuant to the federal Unified Carrier Registration Act of 2005. Each registration shall be accompanied by a fee, the amount of which shall be determined by the board of directors of the federal Unified Carrier Registration Plan.

**SECTION 19.** Section 10 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the words “district court of Marlborough”.

**SECTION 20.** The second paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading “district court of Holyoke” the following line:

district court of Marlborough.

**SECTION 21.** Said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 39, the words “second district court of eastern Worcester”.

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**SECTION 22.** The third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading “district court of western Worcester” the following line:-

second district court of eastern Worcester.

**SECTION 23.** Said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 53 and 54, the words “Brookline; district court of central Middlesex” and inserting in place thereof the following word:- Brookline.

**SECTION 24.** The fourth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading “fourth district court of eastern Middlesex” the following line:-

district court of central Middlesex.

**SECTION 25.** Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in line 76, the words “an assistant clerk” and inserting in place thereof the following words:- a first assistant clerk and 3 assistant clerks.

**SECTION 26.** Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 80, the word “seven” and inserting in place thereof the following figure:- 8.

**SECTION 27.** Section 4 of chapter 221 of the General Laws, as so appearing, is hereby amended by inserting after the word “Essex”, in line 4, the following word:- , Franklin.

**SECTION 28.** Section 5 of said chapter 221, as so appearing, is hereby amended by striking out, in line 10, the figure “10” and inserting in place thereof the following figure:- 12.

**SECTION 29.** Section 16A of said chapter 221, as so appearing, is hereby amended by striking out the second sentence.

**SECTION 30.** Section 47 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the second, third and fourth sentences and inserting in place thereof the following 2 sentences:- The commissioner of probation shall effectuate geographic exclusion zones, which shall be defined by the court and included as conditions of probation. If the commissioner or the probationer’s probation officer has probable cause to believe that the probationer has violated this term of his probation, the commissioner or the probationer’s probation officer shall notify the police in the location of the exclusion zone and shall arrest or cause the probationer to be arrested under section 3 of chapter 279.

**SECTION 31.** Section 28D of chapter 278 of the General Laws is hereby repealed.

**SECTION 32.** Section 2 of chapter 772 of the acts of 1987 is hereby repealed.

**SECTION 33.** Section 7 of said chapter 772 is hereby repealed.

**SECTION 34.** Paragraph (g) of section 146 of chapter 204 of the acts of 1996 is amended by striking out, in line 2, the word “ten” and inserting in place thereof the following figure:- 20.

**SECTION 35.** Section 22 of chapter 47 of the acts of 1997 is hereby amended by striking out the figure “\$3,000,000”, inserted by section 158 of chapter 184 of the acts of 2002, and inserting in place thereof the following figure:- \$4,000,000.

**SECTION 36.** Section 7A of chapter 177 of the acts of 2001 is hereby repealed.

**SECTION 36A.** Section 80 of said chapter 177 is hereby repealed.

**SECTION 37.** Section 593 of chapter 26 of the acts of 2003 is hereby repealed.

**SECTION 38.** Item 1599-2005 of section 2A of chapter 81 of the acts of 2005 is hereby amended by inserting after the word “commonwealth”, in line 5, the following words:- ; provided further, that in addition to said purposes, funds may be used to meet the costs associated with the flood emergencies beginning on May 14, 2006 in the counties of Essex, Middlesex, Norfolk, Suffolk and Worcester and in October 2005 in the counties of Berkshire, Franklin, Hampden, Hampshire and Worcester; provided further, that not less than \$6,800,000 shall be expended to certain municipalities and eligible private nonprofit organizations in areas declared federal disaster areas in the counties of Essex, Middlesex, Norfolk, Suffolk and Worcester for the purpose of providing emergency disaster relief related to damages associated with the flooding of May, 2006; provided further, that not less than \$1,000,000 shall be expended to certain municipalities and eligible private nonprofit organizations in areas declared federal disaster areas in the counties of Berkshire, Hampden, Hampshire, Franklin and Worcester for the purpose of providing emergency disaster relief related to damages associated with the flooding of October, 2005; provided further, that the relief shall be in the amount of 25 per cent of the total damage as certified by the Massachusetts emergency management agency; provided further, that not less than \$1,680,000 shall be expended to Danvers for the purpose of providing relief related to damages associated with the chemical plant explosion on November 22, 2006; and provided further, that the funds appropriated herein shall be made available until June 30, 2008.

**SECTION 39.** Section 30 of chapter 58 of the acts of 2006 is hereby repealed.

**SECTION 40.** Said chapter 58 is hereby further amended by striking out section 128, as amended by section 62 of chapter 324 of the acts of 2006, and inserting in place thereof the following section:-

Section 128. Notwithstanding any general or special law to the contrary and in accordance with section 13B of chapter 118E of the General Laws, in fiscal year 2007, \$90,000,000 shall be made available from the Commonwealth Care Trust Fund, established pursuant to section 2000 of chapter 29 of the General Laws, to pay for an increase in the Medicaid rates paid to acute hospitals and physicians; and provided further, that not less than 15 per cent of the increase shall be allocated to rate increases for physicians; provided, further, that for fiscal year 2008, an additional \$90,000,000 for a total of \$180,000,000, shall be made available from the Commonwealth Care Trust Fund in accordance with this section, to pay for an increase in the Medicaid rates paid to acute hospitals and physicians; provided, however, that not less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2009, an additional \$90,000,000, for a total of \$270,000,000, shall be made available to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of chapter 118G of the General Laws, and physicians; provided, that not



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less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2008, not more than \$20,000,000 of the amounts to be made available to acute hospitals under this section shall be contingent on hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care, in accordance with said section 13B of said chapter 118E. For fiscal year 2008, any such performance benchmarks shall be determined by the secretary of health and human services without any limitation but in consultation with hospitals, the MassHealth payment policy advisory board and the health care quality and cost council, and may include measures to be reported by hospitals to the federal Centers for Medicare & Medicaid Services for Reporting Hospital Quality Data for Annual Payment Update, to the Joint Commission on Accreditation of Healthcare Organizations for core measures, or to the MassHealth Program pursuant to Appendix G of the contract between MassHealth and acute hospitals for Rate Year 2007 or other nationally-recognized measures that are drawn on those approved by the National Quality Forum and adopted by the Hospitals Quality Alliance Performance benchmarks and quality measures related to racial and ethnic disparities in the provision of health care. The secretary shall, after consultation required by said section 13B of said chapter 118E, issue final quality standards and performance benchmarks for use in the hospital fiscal year beginning October 1, 2007. For purposes of payments to hospital pursuant to this section, fiscal year shall mean the hospitals fiscal year and, for purposes of any payments to physicians pursuant to this section, fiscal year shall mean the state fiscal year.

**SECTION 41.** Sections 19 to 21, inclusive, of chapter 324 of the acts of 2006 are hereby repealed.

**SECTION 42.** Section 3 of chapter 81 of the acts of 2006 is hereby amended by striking out the words "within 12 months after the effective date of this act" and inserting in place thereof the following words: on or before September 1, 2007.

**SECTION 43.** Section 10 of chapter 192 of the acts of 2006 is hereby repealed.

**SECTION 44.** The Central Artery/Third Harbor Tunnel project oversight commission established pursuant to item 1599-1969 of section 2B of chapter 205 of the acts of 1996, shall be dissolved on December 31, 2007. Under the direction of the attorney general, the attorney general, the inspector general and the state auditor, or their designees, shall continue to meet on a quarterly basis to coordinate oversight activities relative to the Central Artery/Third Harbor Tunnel project.

**SECTION 45.** Notwithstanding any general or special law to the contrary, the health safety net office, established in section 35 of chapter 118G of the General Laws shall enter into an interdepartmental service agreement with the office of Medicaid to develop and implement a plan to achieve the improvements in the operations, management, payment processes and data integrity of the health safety net trust fund, consistent with, but not limited to, the provisions of subclauses (ii) to (v), inclusive, of subsection (b). Said plan shall include, but not be limited to: (i) a review and analysis of free care and emergency bad debt claims submitted in the most recent 3-year period to determine the patterns most appropriate



and promising for targeted audits and reviews; (ii) a cost effective approach to maximizing the identification of all sources of third-party liability for patients receiving free care or emergency services; (iii) a cost-effective approach to establishing an ongoing claims and utilization review system for uncompensated care claims that is effective in identifying and disallowing inappropriate claims, but also takes into consideration the practicality of said approach considering the small volume of claims relative to other payers that make routine use of claims and utilization review systems, and (iv) an approach that maximizes the use of existing eligibility determination and review systems, coordination of benefits, claims review and provider integrity systems, ISAs and related program and provider integrity contracts available to the office of Medicaid for achieving the management improvements required under this section. Said plan, and a proposed timeline for implementation of all components of the plan, shall be submitted to the joint committee on health care financing and the house and senate committees on ways and means no later than October 30, 2007. The office and the office of Medicaid shall jointly submit a report to joint committee on health care financing and the house and senate committees on ways and means no later than March 15, 2009, outlining the results of the management improvements implemented pursuant to said plan and provisions of this section and making any necessary recommendations for further improvements and reforms of the health safety net trust fund and its operations.

**SECTION 46.** Notwithstanding any general or special law to the contrary and in order to maintain the fiscal viability of the subsidized catastrophic prescription drug insurance program, hereinafter referred to as the “prescription advantage program”, authorized by section 39 of chapter 19A of the General Laws, cost-sharing required of enrollees in the form of co-payments, premiums and deductibles, or any combination thereof, may be adjusted by the department of elder affairs to reflect price trends for outpatient prescription drugs, as determined by the secretary of elder affairs. The secretary shall not implement such cost sharing increases required of enrollees in the form of co-payments, premiums and deductibles or any combination thereof, unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court. In addition to the eligibility requirements set forth in said section 39 of said chapter 19A, to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program shall also be enrolled in a Medicare prescription drug plan, a Medicare Advantage prescription drug plan or in a plan which provides creditable prescription drug coverage as defined in section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, hereinafter referred to as “MMA,” and which provides coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D, hereinafter referred to as a “creditable coverage” plan. In addition to the eligibility requirements set forth in said section 39 of said chapter 19A, to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program,

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who may qualify for the low-income subsidy, provided under the MMA Subpart P - Premiums and cost-sharing subsidies for low-income individuals, shall apply for such subsidies. To the extent permitted by MMA and regulations promulgated thereunder and all other applicable federal law, the prescription advantage program may apply on behalf of a member for enrollment into a Medicare prescription drug plan or for the low-income subsidy provided under MMA and may receive information about the member's eligibility and enrollment status necessary for the operation of the prescription advantage program. For enrollees who qualify for enrollment in a Medicare Part D plan, the prescription advantage program will provide a supplemental source of financial assistance for prescription drug costs, hereinafter referred to as "supplemental assistance" in lieu of the catastrophic prescription drug coverage provided pursuant to said section 39 of said chapter 19A. The prescription advantage program will provide supplemental assistance for premiums, deductibles, payments and co-payments required by a Medicare prescription drug plan or Medicare Advantage prescription drug plan and will provide supplemental assistance for deductibles, payments and co-payments required by a creditable coverage plan. The department shall establish the amount of the supplemental assistance it will provide enrollees based on a sliding income scale and the coverage provided by the enrollees' Medicare prescription drug plan, Medicare Advantage prescription drug plan or creditable coverage plan. In addition to the eligibility requirements set forth in section 39 of said chapter 19A, to be considered eligible for the prescription advantage program, an individual shall have a household income of less than 500 per cent of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to 42 U.S.C. 9902(2). Residents of the commonwealth who are not eligible for Medicare shall continue to be eligible for the prescription advantage program pursuant to said section 39 of said chapter 19A.

**SECTION 47.** There shall be established and set up on the books of the commonwealth a separate fund to be known as the Bay State Competitiveness Investment Fund. Expenditures from the Bay State Competitiveness Investment Fund shall be subject to appropriation.

**SECTION 48.** (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2007 as follows: (i) if the consolidated net surplus for fiscal year 2007 is at least \$150,000,000, then the comptroller shall transfer \$100,000,000 from the General Fund to the Bay State Competitiveness Investment Fund, established in section 47 and shall transfer the remaining amount to the Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws; (ii) if the consolidated net surplus for fiscal year 2007 is greater than \$50,000,000, but less than \$150,000,000, then the comptroller shall transfer \$50,000,000 from the General Fund to the Stabilization Fund and shall transfer the remaining amount from the General Fund to the Bay State Competitiveness Investment Fund, established in said

section 47; (iii) if the consolidated net surplus for fiscal year 2007 is \$50,000,000 or less, then the comptroller shall transfer the entire consolidated net surplus from the General Fund to the Stabilization Fund.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, provided that no such transfer shall cause a deficit in any of the funds.

**SECTION 49.** Notwithstanding any general or special law to the contrary, section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2008.

**SECTION 50.** Notwithstanding any general or special law to the contrary, the comptroller shall, on or before June 30, 2008, transfer \$240,000,000 to the General Fund from the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws.

**SECTION 51.** Notwithstanding any general or special law to the contrary, the comptroller shall, on or before June 30, 2008, transfer from the Commonwealth Stabilization Fund to the General Fund the lesser of: (1) the interest paid on the Commonwealth Stabilization Fund during fiscal year 2008, or (2) \$75,000,000.

**SECTION 52.** Notwithstanding any general or special law to the contrary, during fiscal year 2008, the comptroller shall, according to a schedule developed in consultation with the state treasurer and the secretary of administration and finance, transfer \$343,242,800 from the General Fund to the State Retiree Benefits Trust Fund, established in section 24 of chapter 32A of the General Laws.

**SECTION 53.** Notwithstanding any general or special law to the contrary, the comptroller shall not less than 10 days after the effective date of this act, transfer \$150,000,000 to the General Fund from the Health Care Security Trust Fund, established in section 1 of chapter 29D of the General Laws.

**SECTION 54.** Notwithstanding any special or general law to the contrary, and on or before June 30, 2008 the comptroller shall transfer the balance in the Health Care Security Trust to the State Retiree Benefits Trust Fund.

**SECTION 55.** Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring funds among the General Fund, the Commonwealth Care Trust Fund established pursuant to section 2000 of chapter 29 of the General Laws and the Health Safety Net Trust Fund, established in section 36 of chapter 118G of the General Laws. Not less than \$789,650,000 shall be transferred from the General Fund to the Commonwealth Care Trust Fund and not less than \$33,900,000 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund; provided further, that the executive office of health and human services shall make expenditures required for fiscal year 2008 pursuant to section 122 of chapter 58 of the acts of 2006. The schedule shall provide for transfers in increments considered appropriate to meet the cash flow needs of these funds. The transfers shall not



begin before July 1, 2007 and shall be completed on or before June 30, 2008. The secretary of administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and the Commonwealth Care subsidized health insurance program funded from the Commonwealth Care Trust Fund, and if necessary, transfer monies between these funds for the purpose of ensuring that sufficient revenues are available to support projected program expenditures. The secretary of health and human services in consultation with the secretary of administration and finance and the executive director of the commonwealth health insurance connector shall submit a quarterly report to the house and senate committees on ways and means and joint committee on healthcare financing which shall include, but not be limited to, the projected and actual expenditures and revenues for the Commonwealth Care Trust Fund and any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund.

**SECTION 56.** Notwithstanding any general or special law to the contrary, on or before October 1, 2007 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund, established in section 36 of chapter 118G of the General Laws, an amount not to exceed \$45,000,000 for the purpose of making initial gross payments to qualifying acute care hospitals and community health centers for the hospital fiscal year beginning October 1, 2007. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to this fund. The comptroller shall transfer from this fund to the General Fund not later than June 30, 2008, the amount of the transfer authorized in this section and any allocation of that amount as certified by the director of the health safety net office.

**SECTION 57.** Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office of administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed \$346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund established pursuant to section 2QQQ of chapter 29 of the General Laws; provided that, the comptroller has determined that General Fund revenues are sufficient to accommodate said schedule of transfers. Any increase in payment made from said trust totaling an amount greater than \$251,000,000 in fiscal year 2008 shall be made only after the secretary of the executive office of health and human services certifies that any said increase in payments from said trust shall not exceed the negotiated limit for section 1115 waiver spending. The secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on healthcare financing of said certification within 15 days of such certification.

**SECTION 58.** Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$5,000,000 from



the General Fund to the Massachusetts Cultural Facilities Fund, established in section 42 of chapter 23G of the General Laws.

**SECTION 59.** Notwithstanding any special or general law to the contrary and on or before October 1, 2007, the comptroller shall transfer to the General Fund the balance in the Health Care Quality Improvement Trust Fund, established in section 2EEE of chapter 29 of the General Laws.

**SECTION 60.** Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$28,000,000 from the General Fund to the Essential Community Provider Trust Fund, established in section 2PPP of chapter 29 of the General Laws for the purpose of making payments to hospitals and community health centers in fiscal year 2008. The secretary shall authorize expenditures from the fund without further appropriation for the purpose of a grant program to improve and enhance the ability of hospitals and community health centers to serve populations in need, more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services and pharmacy management services through a grant program. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers in awarding the grants; provided, however, that the office shall publicize the existence of the grant program to eligible providers and shall award grants on or before September 1, 2007. The criteria for selection shall include, but not be limited to, the following: (i) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services; (ii) the percentage of patients with mental or substance abuse disorders served by a provider; (iii) the numbers of patients served by a provider who are chronically ill, elderly, or disabled, provided that in the case of a community health center, that preference be given to the provision of a program of all-inclusive care for the elderly; (iv) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Trust Fund; (v) the percentage of total annual operating revenue that received funding in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; (vi) the percentage of total annual operating revenue that received funding in fiscal year 2007 from the Essential Community Provided Trust Fund, established in section 36 of chapter 118G of the General Laws; (vii) the cultural and linguistic challenges presented by the populations served by the provider; (viii) a documented critical need for investment in information technology such as computerized physician order entry systems but without access to capital to finance such investments; and (ix) the provision by a community health center of 24 hour emergency services. The secretary may

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further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. The emergency funds shall be distributed by the secretary within 14 days of petition by a provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary.

**SECTION 61.** Notwithstanding any general or special law to the contrary, during fiscal year 2008, the comptroller shall transfer from the Health Care Security Trust established pursuant to section 1 of chapter 29D of the General Laws to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2008 pursuant to the master settlement agreement in the action known as *Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al.*, Middlesex Superior Court, No. 95-7378 and 100 per cent of the earnings generated in fiscal year 2008 from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the General Laws for certain health care expenditures appropriated in section 2.

**SECTION 62.** Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$4,000,000 from the General Fund to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund, established in section 2MMM of chapter 29 of the General Laws.

**SECTION 63.** Notwithstanding any general or special law to the contrary, within 10 days of the effective date of this act, the comptroller shall transfer \$1,799,735 from the Medical Security Trust Fund, established by subsection (k) of section 14G of chapter 151A of the General Laws, to the Commonwealth Care Trust Fund, established in section 2000 of chapter 29 of the General Laws, for use solely by the division of unemployment assistance to support development, implementation and first year operating costs associated with carrying out the division's responsibilities under section 188 of chapter 149 of the General Laws.

**SECTION 64.** Notwithstanding any general or special law to the contrary, within 10 days of the effective date of this act, the comptroller shall transfer \$3,750,000 from the General Fund to the Commonwealth Covenant Fund established in section 35EE of chapter 10 of the General Laws.

**SECTION 65.** Notwithstanding any general or special law to the contrary, during fiscal year 2008 the comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the Commonwealth Stabilization Fund as otherwise required pursuant to clause (a) of section 5C of chapter 29 of the General Laws.

**SECTION 66.** Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth's Pension Liability Fund, established in section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations under said

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section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to the rules adopted by the treasurer. The treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and also including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for the purposes of the board of higher education's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth.

**SECTION 67.** (a) Notwithstanding any general or special law to the contrary, upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2008. Based on the criteria established in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which will not be available for use in the next fiscal year, or that will be required to use revenues for extraordinary non school-related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average municipal revenue growth factor, may appeal to the department of revenue on or before October 1, 2007 for an adjustment of its minimum required local contribution and net school spending.



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(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense in the budget for the fiscal year ending on June 30, 2008 shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, the department shall recalculate the municipal revenue growth factor and the department of education shall use the revised growth factor to calculate the preliminary local contribution, the minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the minimum required local contribution.

(e) The board of selectmen in a town, the city council in a plan E city, the mayor in any other city, or a majority of the member municipalities of a regional school district, which used qualifying revenue amounts in a fiscal year that will not be available for use in the next fiscal year, may appeal to the department of revenue not later than October 1, 2007 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) If the regional school budget has already been adopted by two-thirds of the member municipalities then, upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with this section.

(g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined pursuant to this section shall be the minimum required local contribution described in chapter 70 of the General Laws. The department of revenue and the department of education shall notify the house and senate committees on ways and means and the joint committee on education of the amount of any reduction in the minimum required local contribution amount.

(h) If a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized pursuant to this section.



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(i) The amount of financial assistance due from the commonwealth in fiscal year 2008 pursuant to chapter 70 of the General Laws or any other law shall not be changed on account of any redetermination of the minimum required local contribution pursuant to this section.

(j) The department of revenue and the department of education shall issue guidelines for their respective duties pursuant to this section.

**SECTION 68.** Notwithstanding any general or special law to the contrary, the executive office of health and human services may, pursuant to section 16 of chapter 6A of the General Laws, acting in its capacity as the single state agency pursuant to Title XIX of the Social Security Act and as the principal agency for all of the agencies within the executive office and other federally assisted programs administered by the executive office, enter into interdepartmental services agreements with the University of Massachusetts medical school to perform activities that the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of Title XIX and other federal funding provisions to support the programs and activities of the executive office. These activities shall include: (1) providing administrative services, including, but not limited to, activities such as providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case management activities and similar initiatives; (2) providing consulting services related to quality assurance, program evaluation and development, integrity and soundness and project management; and (3) providing activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability and recouping payments to third parties. Federal reimbursement for any expenditures made by the University of Massachusetts medical school relative to federally reimbursable services the university provides under these interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to the university, and recorded in the state accounting system. The secretary of health and human services may negotiate contingency fees for activities and services related to the purpose of pursuing federal reimbursement or avoiding costs, and the comptroller shall certify these fees and pay them upon the receipt of this revenue, reimbursement or demonstration of costs avoided. Contracts for contingency fees shall not extend longer than 3 years, and shall not be renewed without prior review and approval from the executive office of administration and finance. The secretary shall not pay contingency fees in excess of \$40,000,000 for state fiscal year 2008. The secretary of health and human services shall submit to the secretary of administration and finance and the senate and house committees on ways and means a quarterly report detailing the amounts of the agreements, the ongoing and new projects undertaken by the university, the amounts spent on personnel and the amount of federal reimbursement and recoupment payments that the university collected.

**SECTION 69.** Notwithstanding subclause (a) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date

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of this act through April 30, 2008, transfer funds from any item of appropriation within 1 of the 7 departments of the trial court to any other item of appropriation of the 7 departments. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following: (1) the amount of money transferred from 1 item of appropriation to another; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

**SECTION 70.** Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall implement and develop a short term response protocol and long term disaster relief management plan to address the effects of coastal erosion on Salisbury beach. The plan shall be filed with the house and senate committees on ways and means and the joint committee on environment, natural resources and agriculture within 90 days of the effective date of this act.

**SECTION 71.** (a) Notwithstanding any general or special law to the contrary, the secretary of administration and finance or his designee, hereinafter referred to as the secretary, the jury commissioner or her designee and the state secretary or his designee shall convene a working group to establish an administrative records list of all residents 17 years of age and older for the purpose of testing the feasibility of using such a list for the creation of jury pools and purging voter lists. The working group shall consist of representatives of appropriate executive and judicial agencies and others, as determined by the secretary. The secretary shall consult with and work collaboratively with the working group in carrying out this section. All state agencies possessing an electronic database which contains information relative to these persons including, but not limited to, the state secretary, the registry of motor vehicles, the department of revenue, the board of higher education, the department of transitional assistance, the office of medicaid, the department of public health and the division of unemployment assistance, shall provide in electronic form a copy of the database in a format acceptable to the secretary. In addition, a city or town that conducts an annual census shall provide the data to the secretary and all public and private colleges and universities shall provide the data from enrollment records. To the extent possible, the data shall include the name, residential address, mailing address, race, gender, social security number and date of birth of each person. In those cases where a federal or state waiver or authorization is necessary to provide this information, each agency or entity shall take all necessary steps to obtain such authorization or waiver, and no state agency shall unreasonably withhold such authorization or waiver. No information shall be provided to the secretary beyond that required to create the administrative records list. Nothing shall be included in a printed administrative records list that would indicate from which source list the information on an individual resident was derived. The secretary may secure and use additional lists from nongovernmental institutions and sources in order to create the administrative records list. The secretary, on behalf of the working group, shall provide in

electronic form a copy of the administrative records list, without social security numbers, to the jury commissioner for the purpose of testing the feasibility of using that list for the creation of jury pools. The secretary shall provide, in electronic form, a copy of the administrative records list to the state secretary only for the purposes of testing its use to maintain voter registration lists and for testing its use as a source for street lists for cities and towns and to the Massachusetts state data center at the University of Massachusetts Donahue Institute for the purposes of testing the administrative records list and supporting efforts to improve United States Census Bureau population estimates for the commonwealth only. The secretary, the state secretary, the jury commissioner, the department of revenue, the Massachusetts state data center and all others who have access to data under this section shall treat all such data confidentially and such data and any record created, received or maintained from such data under this section shall not be a public record and shall not be disclosed except as provided in this section. Testing of the administrative records list shall not replace or alter any requirements of current law for creating jury pools, maintaining voting lists or establishing street lists, until further act of the general court. The jury commissioner and the state secretary shall submit an annual report to the clerks of the house and the senate, the chairs of the committee on election laws and the chairs of the committee on state administration and regulatory oversight until such time as the testing is complete. For the purposes of establishing an administrative records list, the commissioner of revenue shall disclose to the secretary the names, social security numbers and addresses of residents filing personal income tax returns, but such information shall not be disclosed if the IV-D agency has been provided with reasonable evidence of a risk of harm pursuant to section 5A of chapter 119A of the General Laws. For the purposes of this section, the information contained in the wage reporting match system may be disclosed to the secretary for the purpose of establishing an administrative records list. Only information required to create the administrative records list shall be provided to the secretary including, but not limited to, the name and social security number of each individual listed.

**SECTION 72.** Notwithstanding any general or special law to the contrary, the executive office of health and human services may promulgate regulations allowing any dentist participating in the MassHealth program to limit the number of MassHealth patients in his practice in accordance with standards or procedures to be established by the executive office of health and human services.

**SECTION 73.** Notwithstanding any general or special law to the contrary, and effective June 28, 1984, Patricia M. Walsh of 19 Jonathan street in the city of New Bedford shall be eligible for the insurance benefits made available to the divorced or separated spouses of an employee or retiree who has such health insurance or coverage as provided in section 11A of chapter 32A of the General Laws.

**SECTION 74.** Notwithstanding any general or special law to the contrary, the terms “director of business and technology” or “director of economic development”, wherever they appear in a general or special law, shall mean the undersecretary of business development.



**SECTION 75.** Notwithstanding any special or general law to the contrary, the executive office of health and human services shall investigate and study the feasibility of providing Medicaid reimbursement for all urine drug tests performed for patients enrolled in an inpatient or outpatient department of public health licensed substance abuse program. The study shall consider the projected cost or savings, efficiency and quality of care related to Medicaid reimbursement for urine testing, and the eligibility of federal matching funds for said services. The study shall also study the cost and implications of allowing Medicaid to reimburse for the cost of urine testing without an order from a primary care physician or other practitioner. Results of the study shall be filed with the joint committee on health care financing and the house and senate committee on ways and means on or before October 1, 2007.

**SECTION 76.** Notwithstanding any general or special law to the contrary, the secretary of health and human services shall submit a report on the reimbursement methodology to be used in hospital fiscal year 2008 for health services from the Health Safety Net Trust Fund as determined by the health safety net office pursuant to section 39 of chapter 118G of the General Laws. The report shall detail all modifications made to the payment systems in effect for acute hospitals used by the United States Department of Health and Human Services Centers for Medicare & Medicaid Services to administer the Medicare Program under Title XVIII of the Social Security Act, including any adjustments to account for: (1) the differences between the program administered by the office and the Title XVIII Medicare program, including the services and benefits covered; (2) grouper and DRG relative weights for purposes of calculating the payment rates to reimburse acute hospitals at rates no less than the rates they are reimbursed by Medicare; (3) the extent and duration of covered services; (4) the populations served; and (5) any other adjustments based upon circumstances of individual hospitals. The report shall also detail what, if any, adjustments were made under clause (4) for disproportionate share hospitals, as defined in section 1 of said chapter 118G, or for a free-standing pediatric hospital with a disproportionately low volume of Title XVIII payments. The secretary shall submit the report to the joint committee on health care financing and the house and senate committees on ways and means on or before August 1, 2007.

**SECTION 77.** Notwithstanding any general or special law to the contrary, pension benefits authorized pursuant to chapters 712 and 721 of the acts of 1981, chapter 154 of the acts of 1983, chapter 67 of the acts of 1988, and chapter 621 of the acts of 1989, for the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for that service was paid in full from a grant from the federal government and for the cost of medical examinations in connection therewith, for pensions of retired judges or their widows or widowers, for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission, for retirement allowances of certain veterans and police officers formerly in the service of the metropolitan



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district commission, for retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district, for retirement allowances of certain veterans formerly in the service of the metropolitan water system and for annuities for widows or widowers of certain former members of the uniformed branch of the state police shall be funded from the Pension Reserves Investment Trust Fund, established in subdivision (8) of section 22 of chapter 32 of the General Laws.

**SECTION 78.** Notwithstanding any general or special law to the contrary, in the event that any district attorney fails to comply with reporting language relevant to the use of drug forfeiture funds, inserted in items 0340-0100, 0340-0200, 0340-0300, 0340-0400, 0340-0500, 0340-0600, 0340-0700, 0340-0800, 0340-0900, 0340-1000, and 0340-1100 of section 2 of this act, the house and senate committees on ways and means shall notify the state comptroller of such failure to comply. A district attorney may request in writing a reasonable extension of the reporting period from the house and senate committees on ways and means. If such an extension is requested, the house and senate committees on ways and means shall not notify the state comptroller of a failure to comply with the reporting requirement until the extension period has elapsed. Upon receipt of said notification, the state comptroller shall make available to the witness protection board, established pursuant to section 2 of chapter 263A of the General Laws, the balance of said district attorney's Special Law Enforcement Trust Fund, established in section 47 of chapter 94C of the General Laws, and any additional money transferred into said trust fund after the reporting date.

**SECTION 79.** Notwithstanding any general or special law to the contrary, in hospital fiscal year 2008, the office of the inspector general may continue to expend funds appropriated pursuant to section 1 of chapter 240 of the acts of 2004 from the Uncompensated Care Trust Fund, or any successor fund, for the costs associated with maintaining a pool audit unit within said office. The unit shall continue to oversee and examine the practices in all Massachusetts' hospitals including, but not limited to, the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2008. For the purposes of said audits, allowable free care services shall be defined pursuant to chapter 118G of the General Laws and any regulations promulgated pursuant thereto.

**SECTION 80.** Notwithstanding any general or special law to the contrary, the department of fish and game is hereby authorized to collect an administrative handling charge for all electronic transactions processed through online licensing and registration systems for the sole purpose of defraying the expenses of issuing said licenses and permits.

**SECTION 81.** Notwithstanding any general or special law to the contrary, any agency, board, bureau, department, division, section, or commission of the commonwealth required to submit a report to the house and senate committees on ways and means pursuant to this act shall submit a copy of said report to the executive office of administration and finance.

**SECTION 82.** Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study the commonwealth's liability for paying retiree health care and other nonpension benefits. The commission shall specifically examine further legislation necessary to comply with statement number 43 and statement number 45 of the Government Accounting Standards Board, a possible amortization schedule to fund the commonwealth's liability and, alternatively, state borrowing against future tobacco litigation proceeds to fund the commonwealth's liability for said retiree healthcare and other non-pension benefits. The commission shall consist of the chairs of the joint committee on public service, who shall chair the commission, the chairs of the house and senate committees on ways and means, the secretary of administration and finance, or his designee, the state treasurer, or his designee, the state comptroller, or his designee, the executive director of the pension reserves investment management board or his designee, the house minority leader or his designee, the senate minority leader or his designee, and the executive director of the group insurance commission or his designee. The commission shall report its findings and recommendations, including any proposed legislation, to the clerks of the senate and house of representatives and to the chairs of the house and senate committees on ways and means on or before December 31, 2007.

**SECTION 83.** Notwithstanding any special or general law to the contrary, there shall be a special task force to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence including, but not limited to, assault, sexual assault, weapons possession and homicide on college campuses. The task force shall also study and make recommendations on existing communication plans, staffing and training of security personnel for each campus.

The task force shall be comprised of 13 members, including the house and senate chairs of the joint committee of higher education, who shall serve as co-chairs of the task force, 1 member to be appointed by the minority leader of the house of representatives, 1 member to be appointed by the minority leader of the senate, 2 members to be appointed by the governor, the chair of the board of higher education, 1 member to be appointed by the president of the University of Massachusetts, 1 member to be appointed by the state college presidents, 1 member to be appointed by the community college presidents, 1 student of a University of Massachusetts, or a state or community college to be appointed by the board of higher education, the secretary of public safety or his designee and the attorney general or his designee.

The board of higher education shall provide such staff and resources as may be necessary for the task force to perform its functions. The task force shall convene its first meeting on or before October 1, 2007 and shall file a report, with any legislative or regulatory recommendations, with the clerks of the senate and the house of representatives on or before March 1, 2008.

**SECTION 84.** There shall be a special commission to review the current state of the homeowners' insurance market. The commission shall study the availability and affordability of property insurance, the relevant rate-driving factors, the cost of reinsurance

and the current use of storm damage prediction data and shall consider any actuarial methods, principles, standards, models or output ranges that have the potential for improving the accuracy of or reliability of hurricane loss projections. The commission shall evaluate the potential benefits and disadvantages of the creation of a state-run board on hurricane loss projection methodology to provide actuarial guidelines and standards for projection of hurricane losses as well as for a state-run catastrophic event fund. The commission shall consist of: the house and senate chairs of the joint committee on financial services or their designees, who shall co-chair the commission; the house minority leader, or his designee; the senate minority leader, or his designee; 1 member of the house of representatives; 1 member of the senate, both of whom shall represent Cape Cod or another coastal area; the state treasurer or his designee; the commissioner of insurance or his designee, the attorney general or his designee; a representative from the Massachusetts Property Insurance Underwriting Association; 2 representatives from property casualty insurers, one of whom must be from a company with its principle place of business in Massachusetts and in the top 10 writers of homeowners insurance in Massachusetts by market share to be selected by the Massachusetts Insurance Federation; 1 representative to be selected by the Massachusetts Association of Insurance Agents; 1 representative to be selected by the Reinsurance Association of America; 1 representative from the Center for Insurance Research; and 1 representative from the Massachusetts Public Interest Research Group. The commission shall conduct not less than 4 meetings, the first of which shall convene on or before July 21, 2007, and it shall hold at least 1 public hearing on Cape Cod or other coastal area.

Notwithstanding any general or special law to the contrary, the commissioner shall not approve any rate filing required under section 5 of chapter 175C of the General Laws until after the commission has filed its report or October 1, 2007, which ever is earlier. The commission shall file a report of its findings, including any legislative or regulatory recommendations, with the clerks of the house of representatives and the senate on or before October 1, 2007. The joint committee on financial services shall hold a public hearing on these recommendations on or before November 1, 2007.

**SECTION 85.** There shall be a special commission to investigate and study the accessibility and quality of doctors who specialize in obstetric, gynecological and neurosurgical care of women in Berkshire, Franklin, Hampden and Hampshire counties. The commission shall consist of the commissioner of public health, who shall serve as chairperson, the executive director of the board of registration in medicine, the commissioner of insurance, the commissioner of MassHealth, 3 physicians to be appointed by the president of the Massachusetts Medical Society, 2 members to be appointed by the president of the senate, 1 member to be appointed by the minority leader of the senate, 2 members to be appointed by the speaker of the house of representatives and 1 member to be appointed by the minority leader of the house of representatives. The commission shall meet on or before October 1, 2007, and shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry



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its recommendations into effect by filing the same with the clerks of the senate and house of representatives on or before December 1, 2007.

**SECTION 86.** (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish an electronic health records system task force to provide a structure that enables the state to act in a leadership role in the development of state and federal standards for, and in the implementation and use of, an electronic health records system for children in foster care, individuals and dependents enrolled in the MassHealth and SCHIP programs, and individuals and dependents enrolled in commonwealth care or safety net care programs.

(b) The task force shall consist of not more than 9 members, appointed by the secretary of health and human services, who shall represent entities with expertise in developing or implementing electronic health records including, but not limited to, the United States Veterans Administration facilities in the commonwealth, multi-facility hospital systems in the commonwealth, the University of Massachusetts medical school, the e-Rx Collaborative, MA-SHARE, the Massachusetts Health Data Consortium, the Massachusetts e-Health Collaborative, and MassPro, the commonwealth's federally designated Quality Improvement Organization. The chief information officer for the executive office of health and human services shall serve as coordinator of the task force. The task force shall also consist of 2 members of the senate to be appointed by the president of the senate and 1 member of the senate to be appointed by the minority leader of the senate, 2 members of the house of representatives to be appointed by the speaker of the house and 1 member of the house of representatives to be appointed by the minority leader of the house of representatives, the commissioner of insurance, the commissioner of medical assistance, the commissioner of social services, the commissioner of health care finance and policy, the executive director of the Betsy Lehman Center for Patient Safety, and the executive director of the commonwealth connector shall serve as ex officio, nonvoting members of the task force.

(c) The task force shall: (1) develop an electronic health records system that provides linkages between multiple settings including, but not limited to, the MassHealth and SCHIP programs, programs administered by the commonwealth connector and programs serving children in foster care, that utilize health records and that is consistent with requirements for community health records and electronic prescribing; (2) evaluate the economic model and the anticipated benefits of electronic health records; and (3) provide quarterly updates to the governor and the chairs of the house and senate committees on ways and means and the chairs of the joint committee on health care financing regarding progress in the development of national standards and the work of the task force.

**SECTION 87.** There shall be a special commission to study the existing level of services offered by the department of correction, county jails and houses of correction, the potential benefit of additional services including, but not limited to, education, job skills training and housing and other ways to reduce recidivism rates. The commission shall consist of the house and senate chairs of the joint committee on public safety who shall serve



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as co-chairs, 4 persons to be appointed by the senate, 1 of whom shall be appointed by the minority leader, 4 persons to be appointed by the house, 1 of whom shall be appointed by the minority leader, the secretary of public safety or his designee, the secretary of health and human services or his designee; the secretary of labor or his designee; and 2 persons to be appointed by the governor who shall have experience in the area of re-entry services. The commission shall file its report, including any legislative or regulatory recommendations, with the clerks of the senate and the house of representatives not later than October 31, 2007.

**SECTION 88.** Notwithstanding any general or special law to the contrary, the secretary of the executive office of administration and finance shall investigate ways to reduce administrative costs related to providing notice via first class mail to any person entitled to receive such notice pursuant to any general or special law. In conducting said investigation, the secretary shall consider the potential financial benefit to the commonwealth of allowing electronic notification in lieu of requiring notice only via first class mail and shall also consider alternative ways of notifying persons entitled to receive such notice pursuant to any general or special law who lack access to electronic communications equipment. The secretary shall report his findings and recommendations, including any proposed legislation, to the clerk of the senate, the clerk of the house of representatives and to the chairs of the house and senate committees on ways and means on or before December 31, 2007.

**SECTION 89.** (a) There is hereby established a task force to make an investigation and comprehensive study of chronic kidney disease and its complications and how it affects the citizens of the commonwealth. The chronic kidney disease task force shall be comprised of 14 members, 1 of whom shall be the secretary of the executive office of health and human services, or his designee, who shall serve as chair; 1 of whom shall be the commissioner of the department of public health, or his designee; and the following 12 members who shall be appointed as follows: (i) The speaker of the house and senate president each shall appoint 3 physicians licensed to practice medicine in the commonwealth, 2 of whom shall be family practitioners, 2 of whom shall be nephrologists and 2 of whom shall be pathologists; (ii) the speaker of the house shall appoint 2 members who represent the state affiliate of the National Kidney Foundation, 1 of whom shall be an advocate on dialysis or a transplant recipient and 1 whom shall represent the Department of Nephrology at the University of Massachusetts Medical Center; (iii) the senate president shall appoint 1 member who shall represent a health care services plan provider and 1 member who shall represent the Massachusetts Association of Health Plans; (iv) the governor shall appoint 1 member who shall represent owners and operators of clinical laboratories in the commonwealth and 1 member who shall represent the Massachusetts Hospital Association.

(b) The duties of the chronic kidney disease task force shall include, but not be limited to: developing a plan to educate health care professionals about the advantages and methods of early screening, diagnosis and treatment of chronic kidney disease and its complications based on the K/DOQI Clinical Practice Guidelines for chronic kidney disease

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or other medically recognized clinical practice guidelines; developing a plan to educate health care professionals about the advantages of end stage renal disease (ESRD) modality education; and making recommendations on the implementation of a cost-effective plan for early screening, diagnosis and treatment of chronic kidney disease for the commonwealth's population.

(c) The chronic kidney disease task force shall submit a report to the house and senate chairs of the joint committee on public health, the joint committee on health care financing and the house and senate committees on ways and means no later than June 30, 2008.

**SECTION 90.** Sections 47 and 48 shall expire on June 30, 2008.

**SECTION 91.** Sections 7, 15, 39, 41 and 45 shall take effect on October 1, 2007.

**SECTION 92.** Section 30 shall take effect as of December 20, 2006.

**SECTION 93.** Except as otherwise specified, this act shall take effect as of July 1, 2007.

*This bill was returned on July 12, 2007, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:*

*Items Disapproved:*

**SECTION 2:** 7003-0702      7007-1200      8000-0619

**SECTION 2D:** 4513-9084

**SECTIONS 34 and 73.**

**SECTION 2** *Items reduced in amount*

Item	Reduce by	Reduce to
0322-0100	420,600	10,616,684
0330-0300	10,000,000	124,412,460
0330-3337	1,450,000	19,007,323
2030-1000	292,478	10,659,472
2820-0300	400,000	1,371,000
4000-0700	1,500,000	1,682,246,704
4200-0500	717,000	2,583,000
7007-1000	537,500	8,462,500
7061-9619	100,000	1
7077-0023	325,000	5,000,000
9110-1455	3,286,599	60,504,455

**SECTION 2** *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
1201-0100	75,000	115,942,360	“; and provided further, that not less than \$75,000 be granted to the town of Mansfield for the completion of a regional sewer study”

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
2511-0100	110,000	4,832,183	" ; provided further, that \$50,000 shall be expended on the YouthGROW program; provided further, that not less than \$10,000 shall be expended to the Plymouth Animal shelter"  and  "; provided further, that not less than \$50,000 shall be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board"
2800-0700	300,000	1,145,000	" ; provided further, that not less than \$75,000 shall be expended for repairs to Manns Pond Dam in Sharon"  and  "; provided further, that not less than \$100,000 shall be expended for the repairs of the dam in the town of Millbury; and provided further, that not less than \$125,000 shall be expended for the dam on the Squannacook River known as the Squannacook Dam, and jointly owned by the towns of Groton and Shirley"
2810-0100	550,000	22,755,308	" ; provided further, that not less than \$350,000 shall be expended to monitor and control water and wastewater systems in the town of Medfield; provided further, that not less than \$100,000 shall be expended for the Camp Marion Recreation Program; provided further, that not less than \$100,000 shall be expended for Nashawannuck Pond in Easthampton"
2820-0100	710,000	28,238,582	" ; provided further, that not less than \$125,000 shall be expended for the athletic fields located on Robinson Street and Hancock Street in the town of Hanson"  and  "; provided further, that not less than \$75,000 shall be expended for the Eugene Lovely field in

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Item	Reduce by	Reduce to	Wording Stricken
			Andover; provided further, that not less than \$100,000 shall be expended for park located in Suffolk County on parcel 2102442005"
			and
			"; provided further, that not less than \$50,000 shall be provided for safety improvements by the ponds at Lake Street in the Town of Acushnet"
			and
			"; provided further, that not less than \$50,000 shall be provided to the Lake Singletary Watershed Association for services related to water quality and conservation improvements"
			and
			"; provided further that not less than \$75,000 shall be expended for the Library Park in the city of Woburn provided further that not less than \$50,000 shall be expended for public safety on the Deerfield and upper Connecticut River"
			and
			"; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; provided further, that not less than \$25,000 shall be provided to the Veterans' Memorial Park in Blackstone; provided further, that not less than \$100,000 shall be expended for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located, sited and operated from a stable and facilities in the Blue Hill Reservation; provided further, that not later than December 28, 2007, the department of conservation and recreation shall file with the house and senate committees on ways and means



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Item	Reduce by	Reduce to	Wording Stricken
			an annual report detailing the actual expenditures of funds; provided further, that any funds not so expended solely for this purpose shall be reimbursed to said department of conservation and recreation park rangers mounted unit from the funds allocated for the operation of the office of the secretary of the executive office of environmental affairs fiscal year 2007 budget allocation, retroactively; provided further, that the secretary of the executive office of environmental affairs is hereby directed to request and obtain the return of all animals, equipment, including: tack and trailers, and personnel of the department of conservation and recreation park rangers mounted unit within their control, custody and possession as of January 1, 2004; provided further, that should additional horses of a comparable or better quality as such horses in said mounted unit as of January 1, 2004 need to be obtained by gift or purchase, that said office of the secretary of the executive office of environmental affairs shall incur said costs; provided further, that the secretary of environmental affairs is hereby directed to commence an investigation and study relative to forming a public/private partnership to assist in the maintenance and care of the unit, including: but not limited to, fundraising, operating and maintaining the horses, stables and other facilities in connection with said department of conservation and recreation mounted ranger unit"
4000-0600	2,000,000	2,051,753,985	"; provided further, that in fiscal year 2008, the division of health care finance and policy shall adjust rates for providers of adult day health by no less than \$2,000,000 in the aggregate, which shall be above any previously authorized rate increase"
4403-2120	300,000	82,821,534	"; provided further, that not less than \$100,000

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			shall be expended for a contract with the St. Francis Samaritan House in Taunton"
			and
			"; provided further, that not less than \$200,000 shall be expended for Our Fathers House in Fitchburg"
7004-0099	100,000	10,193,166	" ; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership"
7007-0900	2,860,000	25,371,965	" ; provided further, that not less than \$500,000 shall be expended on the open wide health pilot program in Hampden county"
			and
			" ; provided further, that not less than \$250,000 shall be expended for the establishment of a law enforcement technology fund in the Town of Franklin"
			and
			" ; provided further, that not less than \$250,000 shall be expended for the Medway Public Library"
			and
			" ; provided further, that \$200,000 be expended for senior mental health and wellness programs in the town of Tewksbury"
			and
			" ; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) for the central business district area of the City of Springfield"
			and
			" ; provided further, that not less than \$150,000 shall be expended for a child safety grant in the

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Item	Reduce by	Reduce to	Wording Stricken
			Town of Hamilton"
			and
			"; provided further, that not less than \$150,000 shall be expended for an environmental program in the Wachusett Regional School District"
			and
			"; provided further, that not less than \$100,000 in appropriated funds shall be made available to the Fisher Street Bridge in the town of North Attleboro"
			and
			"; provided further, that \$100,000 shall be expended for a public safety program in the town of Dudley"
			and
			"; provided further, that not less than \$100,000 shall be expended for the Kwong Kong Chinese School in Boston"
			and
			"; provided further, that not less than \$75,000 be expended for the installation of street lights in the Forest Park area of Springfield; provided further, that not less than \$75,000 shall be expended for patrols in Wompatuck state park in the town of Hingham"
			and
			"; provided further, that not less than \$75,000 shall be expended for the Multicultural Alzheimer's Services Project of Springfield"
			and
			"; provided further, that not less than \$75,000 shall be expended for the Assabet River Wildlife Refuge in Sudbury"

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Item	Reduce by	Reduce to	Wording Stricken
			and "; provided further that not less than \$70,000 be expended for improvements to the Jordan Pond area and the creation of a walking trail around Jordan Pond in the Town of Shrewsbury"
			and "; provided further, that not less that \$50,000 shall be expended for the Louis D. Brown Peace Institute"
			and "; provided further, that not less than \$50,000 shall be expended for a public safety grant in Hanover, Norwell, and Rockland; provided further, that not less than \$50,000 shall be expended to continue and expand the triage counseling services in the Needham public schools"
			and "; provided further, that not less than \$50,000 shall be expended for a youth sports grant to Reading memorial high school in the town of Reading"
			and "; provided further, that \$50,000 shall be expended for youth sports program in Reading"
			and "; provided further, that not less than \$40,000 shall be expended for a crime prevention program in the town of North Attleboro"
			and "; provided further, that not less than \$40,000 funds shall be expended for a school safety grant in the town of North Attleboro; provided further,



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Item	Reduce by	Reduce to	Wording Stricken
			that \$35,000 shall be expended for a public safety grant in the town of Berlin; provided further, that not less than \$35,000 shall be expended for engineering studies and plans at the landfill in the town of Seekonk"
			and
			"; provided further, that not less than \$30,000 be expended for the implementation of the Fitchburg Regional Crime Recording Project"
			and
			"; provided further, that not less than \$25,000 shall be expended for the River House in Beverly"
			and
			"; provided further, that not less than \$25,000 be expended for the Stevens-Bennett Home in the city of Haverhill"
			and
			"; provided further that not less than \$25,000 shall be expended for the Pembroke Grange"
			and
			"; provided further, that not less than \$10,000 shall be expended to the Centerville Veteran's Association in the Town of Barnstable as a one-time matching grant to erect a statue honoring Veteran's of Foreign Wars in the village of Centerville"
8100-0000	150,000	249,526,547	"; provided further, that not more than \$150,000 shall be provided for the State Courts Against Road Rage program"
8324-0000	2,350,000	12,207,596	"; provided further, that \$500,000 shall be provided for the Boston Fire Department Hazardous Material Response Teams "

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			and "; provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire and Rescue Dispatch Center"
8400-0001	218,000	53,480,479	"; provided further, that not less than \$218,000 shall be expended to operate a license express office in the city of Lynn"
8910-0000	60,000	191,292,937	"; provided further, that funds appropriated in this item shall be in addition to and contingent on item 1599-7092"  and "; provided further, that \$60,000 shall be expended for the operation of the Bamstable County Sheriff's Office Reentry Program"

**SECTION 2** *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
1000-0001	"; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date"
1775-1100	"; provided, that the division shall evaluate the use of technology, the internet, and online auctions to enhance the sales of surplus vehicles and submit a report of its findings to the house and senate committees on ways and means, and the house and senate committees on post audit and oversight on or before October 1, 2007"
1790-0100	"; provided further, that the division shall continue conducting audits and surveys to identify and realize savings in the acquisition

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Item	<i>Wording Stricken</i>
	and maintenance of communications lines; provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 16, 2008, with actual and projected savings and expenditures for the audits in the fiscal year ending June 30, 2008"
2300-0100	"; provided further, that the department of fish and game shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers"
4000-0300	"; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005"
4800-0151	"; provided further, that the department of social services shall file a report detailing the number of children in need of services as defined in section 21 of chapter 119 of the General Laws, for whom a parent or legal guardian, police officer or supervisor of attendance appointed pursuant to section 19 of chapter 76 of the General Laws seeks assistance; provided further, that the department of social services shall compile this report in collaboration with the juvenile court, the department of probation, the department of mental health, the department of youth services, the department of education and the executive office of health and human services; provided further, that the review shall contain information on the demographics of the population of children served, the contacts a child has with executive of judicial agencies and departments, the service needs identified for each child, recidivism rates and the outcome of individual cases; provided further, that information identifying individual persons shall not be included in this report; and provided further, that the department of social services in collaboration with those agencies, shall report its findings to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children and families no later than October 12, 2007"

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### SECTION 2B *Items disapproved by striking the wording:*

Item	Wording Stricken
1102-3224	"; provided, that the division of capital asset management and maintenance shall submit to the house and senate committees on ways and means on or before the first of each month beginning July 1, 2007 a monthly report on the agencies that currently, or will during fiscal year 2008 occupy space in the Saltonstall building, their rental costs, utility costs, parking space allocation, floor space, lease dates, all services included in the lease and all services that the agencies are obligated to fund beyond the lease payments; and provided further, that the report shall include both estimated payments and prior expenditures"

*Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Sections 17, 30, 53, and 86.*

*The remainder of the bill was approved by the Governor on July 12, 2007 at eleven o'clock and forty minutes, A.M.*

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on September 12, 2007 the House of Representatives and in concurrence on September 20, 2007 the Senate passed the following Items:*

**SECTION 2.** Items: 0322-0100, 0330-0300, 0330-3337, 1000-0001, 1201-0100, 2030-1000, 2511-0100, 2800-0700, 2810-0100, 2820-0100, 4000-0300, 4000-0600, 4000-0700, 4200-0500, 4403-2120, 4800-0151, 7003-0702, 7004-0099, 7007-0900, 7007-1000, 7007-1200, 7061-9619, 7077-0023, 8000-0619, 8324-0000, 8400-0001, 8910-0000

**SECTION 34.**



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**Chapter 62. AN ACT RELATIVE TO ELECTIONS IN THE CITY OF WORCESTER.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or the charter of the city of Worcester to the contrary, the city clerk of the city of Worcester shall provide administrative and operational support to the board of election commissioners of the city.

**SECTION 2.** All actions taken by the city of Worcester in relation to section 1 on or after June 19, 2007 are hereby ratified, validated and confirmed.

**SECTION 3.** This act shall take effect as of June 19, 2007.

**SECTION 4.** This act shall take effect upon its passage.

Approved July 17, 2007.

**Chapter 63. AN ACT PROVIDING INCENTIVES TO THE MOTION PICTURE INDUSTRY.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to promote the Massachusetts motion picture industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 6 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "video", in line 401, the following words:- , digital media project.

**SECTION 2.** Paragraph (2) of subsection (1) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The credit shall be equal to 25 per cent of the total aggregate payroll paid by a motion picture production company that constitutes Massachusetts source income, when total production costs incurred in the commonwealth equal or exceed \$50,000 during the taxable year.

**SECTION 3 .** Paragraph (4) of said subsection (1) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The tax credit shall be taken against the taxes imposed under this chapter and shall, at the election of the taxpayer, be refundable to the extent provided for in section 6L.

**SECTION 4.** Said subsection (1) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (6).

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**SECTION 5.** Said chapter 62 is hereby further amended by inserting after section 6K the following section:-

Section 6L. (a) This section shall apply to credits earned under subsection (l) of section 6.

(b) At the written election of a taxpayer entitled to a credit under subsection (1) of section 6, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of the credits.

(c) The commissioner may require substantiation of a taxpayer's claim for refund under subsection (b) before payment of the refund. No interest shall accrue on the refund under section 40 of chapter 62C before the commissioner's receipt of the substantiation he requested.

(d) The commissioner may adopt regulations or other guidelines as he deems necessary to implement this section. The commissioner shall submit any proposed regulations to the joint committee on revenue and the house and senate committees on ways and means before their adoption by the department. The regulations shall be accompanied by a summary which clearly instructs the taxpayer of his rights under this section.

**SECTION 6.** Chapter 63 of the General Laws is hereby amended by inserting after section 32D the following section:-

Section 32E. (a) This section shall apply to credits earned under section 38T.

(b) At the written election of a taxpayer entitled to a credit under section 38T, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of credits.

(c) The commissioner may require substantiation of a taxpayer's claim for a refund under subsection (b) before payment of the refund. No interest shall accrue on a refund under section 40 of chapter 62C before the commissioner's receipt of the substantiation requested.

(d) The commissioner shall promulgate regulations or other guidelines as he deems necessary to implement this section. The commissioner shall submit any proposed regulations to the joint committee on revenue and the house and senate committees on ways and means before their adoption by the department. The regulations shall be accompanied by a summary which clearly instructs the taxpayer of his rights under this section.

**SECTION 7.** Section 38T of said chapter 63, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "video", in line 14, the following words:- , a digital media project.

**SECTION 8.** Subsection (b) of said section 38T of said chapter 63, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The credit shall be equal to 25 per cent of the total aggregate payroll paid by a motion picture production company that constitutes Massachusetts source income,

when total production costs incurred in the commonwealth equal or exceed \$50,000 during the taxable year.

**SECTION 9.** Subsection (d) of said section 38T of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The tax credit shall be taken against the taxes imposed under this chapter and shall, at the election of the taxpayer, be refundable to the extent provided for in section 32E.

**SECTION 10.** Said section 38T of said chapter 63, as so appearing, is hereby further amended by striking out subsection (f).

**SECTION 11.** Section 1 of chapter 64H of the General Laws, as so appearing, is hereby amended by inserting after the word "video", in line 50, the following words:- , a digital media project.

**SECTION 12.** Section 6 of said chapter 64H, as so appearing, is hereby amended by striking out, in lines 576 and 592, the figure "\$250,000" and inserting in place thereof, in each instance, the following figure:- \$50,000.

**SECTION 13.** Notwithstanding any general or special law to the contrary, the commissioner of revenue shall annually, not later than December 31, report in writing to the house and senate committee on ways and means on the status of the film tax credit established pursuant to section 6 of chapter 62, inserted by section 2 of chapter 158 of the acts of 2005, section 38T of chapter 63 and section 6 of chapter 64H of the General Laws. The report shall include, but not be limited to, the motion picture production activity generated by the tax credits and the net revenue impact of the tax credits.

**SECTION 14.** Notwithstanding any general or special law to the contrary, the commissioner of revenue shall promulgate regulations or other guidelines regarding the transition from a tax credit system in which unused tax credits are transferable, to a system in which unused credits, pursuant to this act, are at the election of the taxpayer, refundable or transferable, as described in section 6L of chapter 62 and section 32E of chapter 63. The commissioner shall submit the regulations to the joint committee on revenue and the house and senate committees on ways and means before adoption by the department. The regulations shall be accompanied by a summary which clearly instructs the taxpayer of his rights under this section.

**SECTION 15.** Chapter 158 of the acts of 2005 is hereby amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. This act shall be effective for tax years beginning on or after January 1, 2006 and before January 1, 2023, but credits allowed pursuant to this act may be carried forward pursuant to sections 1 and 2 after January 1, 2023.

**SECTION 16.** Section 15 shall take effect as of January 1, 2006. The remainder of this act shall be effective for tax years beginning on or after January 1, 2007.

Approved July 20, 2007.

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**Chapter 64. AN ACT ESTABLISHING A SICK LEAVE BANK FOR FRANCES BERGHAUS, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Frances Berghaus, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to said sick leave bank for use by Frances Berghaus. Whenever Frances Berghaus terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave bank time shall be transferred to the extended illness leave bank.

Approved July 20, 2007.

**Chapter 65. AN ACT RELATIVE TO THE FINES FOR ILLEGAL DUMPING IN THE CITY OF FITCHBURG.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, it shall be unlawful for any person in the city of Fitchburg, directly or indirectly, to dump, place, throw, deposit or discharge any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash, or other material of any kind whatsoever, on any way, public or private, appearing on the official map of the city of Fitchburg, or on any land owned or controlled by the city.

**SECTION 2.** Notwithstanding any general or special law, rule or regulation to the contrary, it shall be unlawful for any person owning, in whole or in part, directly or indirectly, any real property, including ownership of any right to pass and repass on a private way in the city, upon which any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash, or other material of any kind whatsoever, has been dumped, placed thrown, deposited or discharged, to fail to remove such material within 10 days of receipt of written notice from any duly authorized city official as set forth in a duly adopted ordinance, to remove and lawfully dispose of such material.

**SECTION 3.** The city of Fitchburg may enforce section 1 by instituting criminal or civil actions in the housing court, the superior court or the Fitchburg district court, and may



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enforce section 2 by civil actions in the same courts. No action commenced as a criminal action shall be converted to a civil action without the consent of the city.

**SECTION 4.** The city of Fitchburg may establish fines by ordinance of up to \$2,000 per offense for illegal dumping within the city limits and may avail itself of any remedy otherwise allowed by law and not inconsistent with the act. Any person found responsible in a civil action of violating section 1 or 2 of this act or any ordinance adopted hereunder shall pay a civil penalty of 3 times the amount, not exceeding \$5,000, estimated or actually paid by the city to remove such material. In the event that a person fails or refuses to pay such civil penalty, the city shall have a lien upon the real property where the violation occurred. The court may also issue orders and injunctions to remedy the circumstances of each case, including but not limited to liens.

**SECTION 5.** This act shall take effect upon its passage.

Approved July 20, 2007.

## **Chapter 66. AN ACT DESIGNATING A BRIDGE IN THE CITY OF METHUEN AS THE CORPORAL DAVID M. VICENTE BRIDGE.**

*Be it enacted, etc., as follows:*

The bridge #M-17-010 on Lowell street, Route 113, spanning Bartlett brook in the city of Methuen shall be designated and known as the Corporal David M. Vicente Bridge, in honor of United States Marine Corporal David M. Vicente, who was killed in action in Iraq on March 19, 2004. The department of highways shall erect and maintain a suitable marker bearing that designation in compliance with the standards of the department.

Approved July 20, 2007.

## **Chapter 67. AN ACT TO REDUCE THE RELIANCE ON PROPERTY TAXES THROUGH MUNICIPAL HEALTH CARE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith affordable health insurance coverage for cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sum set forth in this section is hereby appropriated from the General

Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of this item.

1108-5201 For the costs incurred by the group insurance commission associated with providing municipal health insurance coverage pursuant to section 19 of chapter 32B of the General Laws; provided, that the commission may expend revenues in an amount not to exceed \$1,000,000 from the revenue received from administrative fees associated with providing municipal health insurance coverage pursuant to section 19 of chapter 32B of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system ..... \$1,000,000

**SECTION 2.** Section 19A of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

A retirement board in the case of a retiree may deduct the per cent contribution of health insurance premiums for all retired members receiving group life insurance, group accidental death and dismemberment insurance, group general or blanket hospital, surgical, medical, dental or other health insurance coverage under chapter 32B from the respective retiree pension check. In the event that the amount of a retiree’s pension check is insufficient to accommodate the entire deduction and upon notice from the retirement board, the employer for whom the retiree last worked and from whom he is retired shall bill the retiree for the employee share of the premiums.

**SECTION 3.** Paragraph (b) of section 2 of chapter 32A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- A person employed by a regional council of government established pursuant to section 20 of chapter 34B or a regional planning district or commission established pursuant to chapter 40B, a non-unionized education collaborative as defined by section 4E of chapter 40 or a commonwealth charter school as defined by section 89 of chapter 71 shall be an employee under chapter 32A and subject to the terms and conditions of said chapter 32A including, but not limited to, premium contribution ratios, in the event that the governing body of the regional council of government or the regional planning district or commission votes to accept that status and notifies the commission of the vote.

**SECTION 3A.** Said chapter 32A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:—

Section 3. There shall be established within the executive office of administration and finance, but not under its jurisdiction, a special unpaid commission, to be known as the group insurance commission, consisting of the commissioner of administration and finance, the commissioner of insurance, and 13 members to be appointed by the governor, 1 of whom shall be a retired state employee, 1 of whom shall be a health economist and at least 3 of whom shall be full-time state employees, 1 shall be a member of the Massachusetts Public Employees Council, #93, AFSCME, Massachusetts State Labor Council, AFL-CIO, 1 shall be a member of the Massachusetts State Employees Association, NAGE, and 1 shall be a member of Local 254, S.E.I.U., 1 of whom shall be a management representative appointed from a list of 3 representatives nominated by the Massachusetts Municipal Association and 1 of whom shall be a labor representative appointed from a list of 3 representatives nominated by the president of the teachers' union with the greatest amount of active and retired members enrolled in commission health plans. In addition, upon the transfer of 45,000 subscribers from municipal governmental units to the group insurance commission pursuant to section 19 of chapter 32B, there shall be an additional management representative appointed by the governor from a list of 3 representatives nominated by the Massachusetts Municipal Association and an additional labor representative appointed by the governor from a list of 3 representatives of municipal public safety employees nominated by the president of the Massachusetts Chapter of the AFL-CIO. Whenever an organization nominates a list of representatives for appointment by the governor under this section, the organization may nominate additional candidates if the governor declines to appoint any of those originally nominated. Not more than 55 per cent of the appointive members of the commission shall be members of the same political party. No member appointed by the governor shall be an insurance agent, broker, employee or officer of an insurance company. Upon the expiration of the term of office of an appointive member, his successor shall be appointed in like manner for a term of 3 years. The commission shall be provided with suitable offices and may, subject to appropriation, incur expenses and appoint an executive director who shall be the executive and administrative head of the commission and who shall not be subject to chapter 31. The commission may authorize the executive director to appoint such employees as may be necessary to administer this chapter. There shall be paid by the commonwealth to each appointive member of the commission the necessary expenses actually incurred in the discharge of his official duties. The commission shall adopt such reasonable rules and regulations as may be necessary for the administration of this chapter and shall make an annual report to the governor and to the general court which shall include any modifications or amendments made to contracts executed under this chapter. The rules and regulations shall be in such form as to enable employees to understand the benefits available from the insurance program, including the cost thereof.

**NO SECTION 3B.**

**SECTION 3C.** Said chapter 32A is hereby further amended by inserting after section 3A the following section:—

Section 3B. This chapter shall become effective for a commonwealth charter school by a majority vote of its board of trustees and, for an education collaborative, by a majority vote of its board of directors.

**SECTION 3D.** Section 2 of said chapter 32B, as so appearing, is hereby amended by striking out, in line 5, the word “and”.

**SECTION 3E.** Paragraph (a) of said section 2 of said chapter 32B, as so appearing, is hereby amended by inserting after the word “thereof”, in line 5, the following words:— and for the purposes of this chapter if a collective bargaining agreement is in place, as to a commonwealth charter school as defined by section 89 of chapter 71, the board of trustees and; as to an education collaborative, as defined by section 4E of chapter 40, the board of directions.

**SECTION 4.** Chapter 32B of the General Laws is hereby amended by striking out section 19, as so appearing, and inserting in place thereof the following section:—

Section 19. (a) Notwithstanding any other provision of this chapter, the appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any other section of this chapter may instead elect to provide health insurance coverage to all its subscribers pursuant to this section by entering into contracts with health insurance carriers or by transferring its subscribers to the commission under subsection (e). For the purposes of this section, the term “subscribers” shall mean employees, retirees, surviving spouses and dependents of the political subdivision and may include employees, retirees, surviving spouses and dependents of a district who previously received health insurance benefits through the political subdivision accepting this section. This section shall take effect in a political subdivision upon its acceptance in the following manner: in a county, except Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of the city council and approval by the manager; in any other city, by majority vote of the city council and approval by the mayor; in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting.

Acceptance of this section shall not take effect until a written agreement has been reached between the appropriate public authority and the public employee committee, but the written agreement may condition acceptance of this section upon the transferring of subscribers into the commission under subsection (e).

A written agreement to transfer subscribers to the commission under this section shall be the sole means by which the subscribers of a political subdivision may be transferred to commission coverage.

Notwithstanding subsection (c) of section 4B of chapter 4, the acceptance of this section may be revoked in the same manner it was accepted in accordance with all other sub-



sections of section 4B of said chapter 4, subject to the requirements of any written agreements as provided in this section and chapter 150E. The revocation of this section shall not take effect until a written agreement providing for revocation is reached between the appropriate public authority and the employee committee established herein. Nothing in this section shall preclude an appropriate public authority from agreeing to establish a health and welfare trust fund under section 15.

Except as otherwise provided in subsection (e), a contract with a health insurance carrier shall be in conformity with an agreement reached by an appropriate public authority and a public employee committee. The election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee. The public employee committee shall include a representative of each collective bargaining unit with which the political subdivision negotiates under chapter 150E and a retiree representative. Either the public employee committee or the appropriate public authority may convene the initial meeting of the committee at any time upon 30 days notice. The retiree representative shall be designated by the Retired State, County and Municipal Employees Association. The retiree representative shall have a 10 per cent vote. The remaining 90 per cent vote shall be divided so that each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the political subdivision. An agreement with the appropriate public authority shall be approved by 70 per cent of the weighted votes of the representatives on the public employee committee and shall be binding on all subscribers and their representatives. For the purposes of this section, a health insurance carrier shall include any insurance company organized pursuant to chapter 175, hospital service corporation organized pursuant to chapter 176A, medical service corporation organized pursuant to chapter 176B, health maintenance organization organized pursuant to chapter 176G, preferred provider organization organized pursuant to chapter 176I and, in the case of a political subdivision which is partially or fully self-insured with respect to health insurance coverage, any third party administrator selected by the political subdivision, which may include, but shall not be limited to, a health insurance carrier.

An agreement approved under this section shall be binding on all active and retired employees for whom health insurance coverage is being purchased, shall supersede any conflicting provision of a collective bargaining agreement and shall not be superseded in a statutory impasse proceeding under chapter 150E, but the agreement may include procedures for resolving an impasse in negotiations for a successor agreement. A dispute arising over the interpretation or application of the public employee committee agreement under this section may be submitted to binding arbitration under the labor arbitration provisions of the American Arbitration Association upon request of the public employee committee or the appropriate public authority, except as otherwise provided in subsection (f). A request shall

be approved by 70 per cent of the weighted votes of the representatives on the public employee committee as set forth in this section or, where applicable, by a majority vote of the appropriate public authority. A political subdivision which elects to provide health insurance coverage to subscribers under this section shall be deemed in full compliance with this chapter regulating the procurement of health insurance. A political subdivision which elects to provide health insurance coverage under this section pursuant to an agreement approved by a public employee committee, may provide such coverage either as a single political subdivision or, under section 12, through joint purchase with other political subdivisions or, with multiple political subdivisions, through a risk-sharing pool, trust or health insurance carrier or third party administrator, or by making payments to a health and welfare trust fund to provide health insurance coverage under this section either as a single political subdivision or with multiple political subdivisions. The appropriate public authority may contract with a health insurance carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d).

(b) Nothing in this section shall require, preclude or permit a change in any aspect of health insurance coverage for subscribers authorized by this section except where an agreement to provide for such change is reached by an appropriate public authority and a public employee committee in an agreement entered into or modified after the effective date of this subsection except as otherwise provided in subsection (e). In the absence of a successor agreement approved under this section, the prior agreement of the public employee committee and the appropriate public authority regarding the provision of health insurance shall remain in effect.

(c) Nothing in this section shall relieve a political subdivision from providing health insurance coverage to an employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) The agreement reached between an appropriate public authority and the public employee committee shall provide for those subscribers who, by reason of residence or domicile, cannot be appropriately served within the service area of the health insurance carrier included in the agreement, subject to this subsection.

Coverage for subscribers under this subsection shall be pursuant to and in conformity with the agreement required by this section and shall conform to all requirements of this section. The agreement reached between an appropriate public authority and the public employee committee shall provide that a subscriber who for reasons of residency is not eligible for enrollment in any such plan offered by a political subdivision shall be covered under a plan offered under chapter 176I, if any such plan is provided for under the agreement, but a subscriber who lives 10 miles or more from the nearest primary care physician providing care under the plan shall have out-of-pocket payments and medical deductibles limited to the amount that he would have paid had he utilized the network of medical services of the plan offered under chapter 176I. If the agreement reached between the appropriate public authority and the public employee committee provides for only health maintenance organi-

zations or other health insurance carriers that limit enrollment to a particular geographic area, then notwithstanding any general or special law to the contrary, health maintenance organizations or other health insurance carriers shall provide for the coverage of services provided or arranged for all subscribers who do not reside within the geographic service area by providing the same benefit schedule and premium contribution provided to subscribers residing within the carrier's geographic service area including, but not limited to, covered services, out-of-pocket payments and medical deductibles for all medical services provided for or arranged under the agreement.

(e) Where an agreement, either executed or modified, reached by an appropriate public authority and the public employee so provides, the appropriate public authority shall notify the commission that it will transfer all subscribers for whom it provides health insurance coverage to the commission. The notice shall be provided to the commission by the appropriate public authority not later than October 1 of each year and the transfer of subscribers to the commission shall take effect on the following July 1. On the effective date of the transfer, the health insurance of all subscribers, including elderly governmental retirees previously governed by section 10B of chapter 32A and retired municipal teachers previously governed by section 12 of chapter 32A, shall be provided through the commission for all purposes and governed under this section. As of the effective date and for the duration of this transfer, subscribers transferred to the commission's health insurance coverage shall receive group health insurance benefits determined exclusively by the commission and the coverage shall not be subject to collective bargaining, except for contribution ratios which shall be determined by the written agreement.

Subscribers transferred to the commission who are eligible or become eligible for Medicare coverage shall transfer to Medicare coverage, as prescribed by the commission. In the event of transfer to Medicare, the political subdivision shall pay any Medicare part B premium penalty assessed by the federal government on retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan. For each subscriber's premium and the political subdivision's share of that premium, the subscriber and the political subdivision shall furnish to the commission, in such form and content as the commission shall prescribe, all information the commission deems necessary to maintain subscribers' and covered dependents' health insurance coverage. The appropriate public authority of the political subdivision shall perform such administrative functions and process such information as the commission deems necessary to maintain those subscribers' health insurance coverage including, but not limited to, family and personnel status changes, and shall report all changes monthly to the commission. In the event that a political subdivision transfers subscribers to the commission under this section, subscribers may be withdrawn from commission coverage at either 3 or 6-year intervals from the date of transfer of subscribers to the commission, as determined by the written agreement which shall specify the withdrawal interval and withdrawal procedures. The written agreement may specify the procedures for resolving an impasse in



negotiations over whether to withdraw from commission coverage and for determining health insurance coverage and contribution ratios for subscribers for the year following withdrawal from the commission. In the event that binding arbitration is included in the written agreement, the agreement shall provide that the dispute shall be submitted to arbitration and, if no method is provided of arbitration is provided in the agreement, then the dispute shall be administered by the American Arbitration Association under the procedures set forth in its Labor Arbitration Rules.

The decision and notice to withdraw shall be made by October 1 of the year prior to the effective date of withdrawal. All withdrawals shall be effective on July 1 following the political subdivision's notice to the commission. Except as otherwise provided in the written agreement, withdrawal from commission coverage shall revoke acceptance of this section and any written agreements related to the implementation of this section as of the effective date of withdrawal. In the event that the acceptance of this section is revoked, the appropriate public authority of the political subdivision shall abide by all commission requirements for effectuating such withdrawal, including the notice requirements in this subsection. In the event a political subdivision withdraws from commission coverage under this section, such withdrawal shall be binding on all subscribers, including those subscribers who, prior to the transfer to the commission, received coverage from the commission under sections 10B and 12 of chapter 32A and, after withdrawal from the commission, those subscribers who received coverage from the commission under said sections 10B and 12 of said chapter 32A shall not pay more than 25 per cent of the cost of their health insurance premiums.

In the event of revocation of acceptance of this section, the political subdivision and public employee unions shall return to governance of negotiations of health insurance under chapter 150E and this chapter on the effective date of withdrawal from commission coverage, to negotiate healthcare coverage for subscribers thereafter.

(f) To the extent authorized under chapter 32A, the commission shall provide group coverage of subscribers' health claims incurred after transfer to the commission. The claim experience of those subscribers shall be maintained by the commission in a single pool and combined with the claim experience of all covered state employees and retirees and their covered dependents, including those subscribers who previously received coverage under sections 10B and 12 of chapter 32A.

Notwithstanding any general or special law to the contrary, a political subdivision that self-insures its group health insurance plan under section 3A and has a deficit in its claims trust fund at the time of transferring its subscribers to the commission and the deficit is attributable to a failure to accrue claims which had been incurred but not paid may capitalize the deficit and amortize the amount over 10 fiscal years in 10 equal amounts, or on a schedule providing for a more rapid amortization. Except as provided otherwise herein, subscribers eligible for health insurance coverage under subsection (e) shall be subject to all of the terms, conditions, schedule of benefits and health insurance carriers as employees and



dependents as defined by section 2 and commission regulations. The commission shall determine all matters relating to subscribers' group health insurance rights, responsibilities, costs and payments, excluding contribution ratios, and obligations, including but not limited to, the manner and method of payment, schedule of benefits, eligibility requirements and choice of health insurance carriers and these matters shall be determined exclusively by the commission and shall not be subject to collective bargaining, the written agreement under subsection (a) or to arbitration under the agreement. The commission may issue rules and regulations consistent with this section and shall provide public notice of any proposed rules and regulations and notice of thereof at the request of interested parties, together with an opportunity to review those rules and regulations and an opportunity to comment on those proposed rules and regulations in writing and at a public hearing, but the commission shall not be subject to chapter 30A.

The commission shall negotiate and purchase health insurance coverage for subscribers transferred under subsection (e) and shall promulgate regulations, policies and procedures for coverage of the transferred subscribers. The schedule of benefits available to transferred subscribers shall be determined by the commission pursuant to chapter 32A. The commission shall offer those subscribers the same choice as to health insurance carriers and benefits as those provided to state employees and retirees. The political subdivision's contribution to the cost of health insurance coverage for transferred subscribers shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter 32A. Any change to the premium contribution ratios shall become effective on July 1 of each year, with notice to the commission of such change not later than January 15 of the same year.

A political subdivision that transfers subscribers to the commission shall pay the commission for all costs of its subscribers' coverage, including administrative expenses, and the governmental unit's cost of subscribers' premium. The commission shall determine on a periodic basis the amount of premium which the political subdivision shall pay to the commission. If the political subdivision unit fails to pay all or a portion of these costs according to the timetable determined by the commission, the commission may inform the state treasurer who shall issue a warrant in the manner provided by section 20 of chapter 59 requiring the respective political subdivision to pay into the treasury of the commonwealth as prescribed by the commission the amount of the premium and administrative expenses attributable to the political subdivision. The state treasurer shall recoup any past due costs from the political subdivision's cherry sheet under section 20A of chapter 58 and transfer that money to the commission. If a governmental unit fails to pay to the commission the costs of coverage for more than 90 days and the cherry sheet provides an inadequate source of payment, the commission may, at its discretion, cancel the coverage of subscribers of the political subdivision. If the cancellation of coverage is for nonpayment, the political subdivision shall provide all subscribers health insurance coverage under plans which are the actuarial equivalent of plans offered by the commission in the preceding year until there is an agreement with the public employee committee providing for replacement coverage.

The commission may charge the political subdivision an administrative fee, which shall not be more than 1 per cent of the cost of total premiums for the political subdivision, to be determined by the commission which shall be considered as part of the cost of coverage for purposes of determining the contributions of the political subdivision and its employees to the cost of health insurance coverage by the commission.

(g) Any agreement reached between the political subdivision and the public employee committee, including an agreement to transfer subscribers to the group insurance commission, shall provide that within the same health insurance coverage plan the percentage contributed by the political subdivision to the premium or cost of health insurance coverage shall be the same for all subscribers covered under this section. These payments shall differ only by the type of coverage elected under the plan, including individual, family, optional Medicare extension or other coverage selections; but the percentage contributed by the political subdivision may vary among the different health insurance coverage plans offered under the agreement reached between the political subdivision and the public employee committee. The agreement reached shall provide that the percentage contributed by the political subdivision to the premium or cost of at least 1 Medicare extension plan available to all eligible subscribers shall be not less than the minimum percentage contributed by the political subdivision to any other health insurance coverage plan offered under the agreement reached. Any political subdivision that accepts this section shall establish by agreement with the public employee committee a contribution by the political subdivision to the premium or cost of health insurance coverage that provides for at least 50 per cent but not more than 99 per cent. Notwithstanding this subsection, where there is an agreement to transfer subscribers to the commission, subscribers whose coverage was governed by section 10B or 12 of chapter 32A before the date that the written agreement is executed, shall not be required to contribute more than 25 per cent of their health insurance premiums, but the written agreement may provide for a premium contribution paid by these subscribers of less than 25 per cent.

(h) If there is a revocation of acceptance or a withdrawal from the commission under this section, all retirees, their spouses and dependents insured or eligible to be insured by the political subdivision, if enrolled in Medicare part A at no cost to the retiree, spouse or dependents, shall be required to be insured by a Medicare extension plan offered by the political subdivision under section 11C or section 16. A retiree shall provide the political subdivision, in such form as the political subdivision shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health insurance coverage. The political subdivision may from time to time request from a retiree, a retiree's spouse and dependents, proof certified by the federal government of his eligibility or ineligibility for Medicare part A and part B coverage. The political subdivision shall pay the Medicare part B premium penalty assessed by the federal government on those retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan.

(i) In the absence of a public collective bargaining unit, the chief executive officer of a municipality may authorize the transfer of subscribers to the commission.

**SECTION 5.** Where a public employee committee and governmental entity have in existence an agreement under section 19 of chapter 32A of the General Laws on July 31, 2006, that agreement shall remain in full force and effect and shall thereafter be governed by said chapter 32A. If the agreement provides for the transfer of subscribers to the group insurance commission, the public employee committee and the political subdivision shall amend the agreement, as necessary, to be consistent with state law.

**SECTION 6.** Notwithstanding any general or special law to the contrary, the town of Saugus may transfer subscribers to the group insurance commission in accordance with section 19 of chapter 32B of the General Laws on or after the effective date of this act.

Approved July 25, 2007.

## **Chapter 68. AN ACT TO REDUCE THE STRESS ON LOCAL PROPERTY TAXES THROUGH ENHANCED PENSION FUND INVESTMENT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith certain pension systems, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 22 of said chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 1043, the words “electing to participate” and inserting in place thereof the following word:- participating.

**SECTION 2.** Subdivision (8) of said section 22 of said chapter 32, as so appearing, is hereby amended by inserting after paragraph (c) the following paragraph:-

(c½) The commission shall annually review the investment performance and funded ratio of all systems using data compiled as of January 1 of the year in which the review occurs. If on or before July 1 the funded ratio data as of January 1 is not available, the most recent data shall be used. A system found by the commission to have a funded ratio of less than 65 per cent and an average rate of return during the previous 10 years that is at least 2 percentage points less than that of the PRIT Fund rate of return over the same period shall be declared underperforming by the commission. The commission shall notify, in writing, any system deemed to be underperforming pursuant to this paragraph that it shall transfer ownership and control of all of its assets to the PRIM board. The notice shall include, without limitation: (i) a financial report on the specific underperforming system; (ii) a description of the rights and duties of the PRIM board; and (iii) a schedule for the transfer of ownership and control of a system’s assets to the PRIM board pursuant to this paragraph.



A transfer of the ownership and control of a system's assets pursuant to this paragraph shall be in perpetuity.

The PRIM board shall hold assets in trust for the participating systems. The PRIM board shall credit assets and earnings on the assets to the individual systems. The PRIM board shall calculate regular interest as defined in subdivision (6) to allocate earnings among the various funds of each system. The board of each system shall continue to administer the system in accordance with sections 1 to 28, inclusive, including the maintenance of accounts in accordance with the funds provided for in this section. The PRIM board shall transfer monies to the various funds of the participating systems to allow them to carry out their duties pursuant to this chapter. The board of each participating system shall notify the PRIM board of the amounts needed for the various funds for the next fiscal year not later than 90 days before the start of the next fiscal year. The PRIM board shall develop a schedule of transfers to be made to the systems during the next fiscal year and notify the systems of that schedule not later than 30 days before the start of the next fiscal year. The PRIM board shall transfer those amounts in accordance with the schedule during the course of the fiscal year. From time to time, the boards may make supplemental requests of the PRIM board if the initial request is found to be insufficient. Within 30 days after the request, the PRIM board shall approve or deny it, but a denial shall be accompanied by a written statement of the reasons therefor.

A system ordered by the commission to transfer its assets under this paragraph may appeal for an exemption to a 4-member review board which shall consist of the executive director of the PRIM board or his designee, the secretary of administration and finance or his designee, a member selected by the state treasurer from a list of 3 names submitted by the Massachusetts Association of Contributory Retirement Systems and 1 member of a municipal employee union to be appointed by the governor. The system shall file written notice of its appeal with the secretary of administration and finance not later than 30 days after receiving the commission's order to transfer its assets. The review board may establish rules for its own procedure and the rules shall not be subject to chapter 30A. The review board may grant an exemption from the transfer requirement of this paragraph if its rate of return has exceeded the PRIT Fund rate of return for the previous 2 years or if the system's rate of return was affected by other extenuating circumstances. The review board may also consider the system's management costs, its risk return ratio and any other factors it deems appropriate. The grant of an exemption shall require the concurrence of at least 3 of the 4 members or their designees. A system may seek judicial review of the review board's decision to deny an exemption in the manner provided in section 14 of chapter 30A. An exemption granted by the review board pursuant to this paragraph shall take effect only upon the approval of a majority of the local governing body as follows: in a county, by the county commissioners, in a city having a Plan D or Plan E charter, by the city council and the manager, in any other city the city council and the mayor, in a town shall, by the board of selectmen, in a regional retirement system by the regional retirement board advisory council



and in all other districts, by the governing board. The local governing body shall vote whether or not to approve the review board's grant of exemption within 30 days after the review boards' decision to provide an exemption.

**SECTION 3.** Notwithstanding any general or special law to the contrary, and pursuant to paragraph (c½) of subdivision (8) of section 22 of chapter 32 of the General Laws, the public employee retirement administration commission established in section 49 of chapter 7 of the General Laws shall review the investment performance and funded ratio of all systems using data compiled as of January 1, 2007. If an updated actuarial valuation is not completed by October 1, 2007, the most recent valuation completed shall be used. A system found by the public employee retirement administration commission to have a funded ratio of less than 65 per cent and an average rate of return during the previous 10 years that is at least 2 percentage points less than that of the rate of return of the PRIT Fund established in said subdivision (8) of said section 22 of said chapter 32 over the same time period shall be declared underperforming by the public employee retirement administration commission and shall transfer ownership and control of all of its assets to the PRIM board in accordance with said paragraph (c½) of said subdivision (8) of said section 22 of said chapter 32.

**SECTION 4.** Notwithstanding any general or special law to the contrary, a pension system established pursuant to chapter 32 or chapter 34B of the General Laws that would be deemed underperforming under paragraph (c½) of subdivision (8) of section 22 of said chapter 32 may voluntarily transfer ownership and control of all of its assets to the PRIM board. The decision to voluntarily transfer ownership and control of all of its assets to the PRIM board shall be made by the retirement board of each system, subject to the approval of a majority of the local governing body as follows: in a county, by the county commissioners, in a city having a Plan D or Plan E charter, by the city council and the manager, in any other city shall, by the city council and the, mayor, in a town, by, the board of selectmen, in a regional retirement system by the regional retirement board advisory council and in all other districts, by the governing board thereof. After the decision to participate has been approved, the decision to participate shall not be revoked for 5 years. A system that would be deemed underperforming pursuant to said paragraph (c½) of said subdivision (8) of said section 22 of said chapter 32 which chooses to exercise its right to voluntarily transfer its assets pursuant to this section shall transfer its assets before October 1, 2007.

**SECTION 5.** Notwithstanding any general or special law to the contrary, the public employee retirement administration commission established in section 49 of chapter 7 of the General Laws shall file an annual report with the house and senate committees on ways and means and the joint committee on public service detailing the average rate of return and funding level of each retirement system. The first annual report shall include the average rate of return and funding level of each retirement system since 1985.

**SECTION 6.** Notwithstanding any general or special law to the contrary, local retirement boards shall consider the annual cost-of-living adjustments to be a priority but the

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prioritization shall not constitute grounds for an appeal pursuant to paragraph (c½)) of subdivision (8) of section 22 of chapter 32 of the General Laws.

**SECTION 7.** Sections 1, 2, 3, 5, and 6 of this act shall take effect on October 1, 2007.

Approved July 25, 2007.

## Chapter 69. AN ACT ESTABLISHING THE REHOBOTH AGRICULTURAL AND NATURAL RESOURCES PRESERVATION COUNCIL.

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Rehoboth may adopt a by-law to establish the Rehoboth agricultural and natural resources preservation council consisting of 9 voting members and 1 advisory member. The council shall consist of: 1 member of the agricultural commission appointed by that commission, 1 member of the conservation commission appointed by that commission and 1 member of the planning board appointed by that board, for terms of 3 years; 1 member of the park commission appointed by that commission, 1 member of the board of health appointed by that board and 1 member of the water commission appointed by that commission, for initial terms of 2 years and for 3 years thereafter; 1 member of the board of assessors appointed by that board, 1 member of the Rehoboth land trust appointed by that trust and 1 member of the board of selectmen appointed by that board, for initial terms of 1 year and for 3 years thereafter. There shall be a nonvoting advisory member of the finance committee appointed by that committee, for a term of 3 years. If any of the appointing authorities shall cease to exist, the board of selectmen shall be the appointing authority.

**SECTION 2.** The council shall identify and purchase land, development rights and conservation restrictions to preserve existing agricultural lands and to use and preserve the natural resources of the town. The council shall foster and promote activities that are in the interest of preserving agricultural land, natural resources and revitalizing the agricultural industry in the town.

The council shall submit any recommended acquisitions or agreements, including the anticipated costs thereof to the board of selectmen for its majority approval before taking further action. Within 30 days of receipt, the board of selectmen shall approve or deny the council's recommendation with stated reasons. If no action is taken by the board of selectmen after 30 days, the council may act upon its recommendation after holding a public hearing, including notice to all parties concerned, and in conformity with section 23B of chapter 39 of the General Laws.

The council shall enter into agreements, with or without other entities, for the purposes set forth herein which may include the payment of funds through the Rehoboth Ag-

gricultural and Natural Resources Preservation Trust Fund to support these preservation activities.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the town of Rehoboth may establish and maintain a fund to be known as the Agricultural and Natural Resources Preservation Trust Fund into which all receipts, revenues, appropriations, gifts, grants and funds from all activities of the Rehoboth agricultural and natural resources preservation council shall be deposited. The fund shall be kept separate and apart from all other accounts of the town. The town treasurer shall be the custodian of the fund and shall invest amounts in the fund in accordance with sections 54 and 55 of chapter 44 of the General Laws. Any earnings, income and interest accruing from the fund shall be credited to and become part of the fund. The town may, from time to time, appropriate funds to this account. The town may incur debt pursuant to clause (3) of section 7 of said chapter 44 of the General Laws. The town auditor shall include this account in his annual independent audit.

**SECTION 4.** The council, with the approval of the board of selectmen, shall have the power of a conservation commission, as set forth in section 8C of chapter 40 of the General Laws, with respect to the acquisition of interests in land and buildings and the expenditure of reasonable administrative funds. In the event that the council and board of selectmen determine that land or interests in land are no longer in use or preserved for agricultural purposes, such land or interests in land may be transferred for conservation purposes as if acquired by a conservation commission under said section 8C of said chapter 40.

**SECTION 5.** The council shall not meet or conduct business without the presence of a quorum. A majority of the voting members of the council shall constitute a quorum. The council shall approve its actions by a majority vote.

**SECTION 6.** This act shall take effect upon its passage.

Approved July 25, 2007.

## **Chapter 70. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Norwood, acting by and through its board of selectmen, may convey a certain parcel of park land to the Karsten Company, Inc., to be used for residential housing purposes on such terms and conditions as the board of selectmen consider to be in the best interests of the town. The parcel is shown on assessors' map 9, sheet 7-A, Lot 33.

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**SECTION 1A.** As a condition of the conveyance authorized in section 1, the town of Norwood shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission and such parcel shall be dedicated for conservation purposes. If no suitable parcel can be transferred to the conservation commission, the town shall grant a conservation restriction to the conservation commission on a parcel of land under the care, custody, management and control of the board of selectmen for general municipal purposes. Any parcel dedicated pursuant to this section, shall be of equal or greater size and value to the portion of the parcel described in section 1.

**SECTION 1B.** If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert back to the town of Norwood for public park purposes.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 25, 2007.

## Chapter 71. AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO CONVEY A CERTAIN PARCEL OF LAND.

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Wellesley may convey a certain parcel of parkland to James and Pamela Broderick. Said parcel is shown as Lot 2 on a plan entitled "Plan of Land at 19 Clovelly Road, Wellesley, Mass. Showing Proposed Land Exchange with the Town of Wellesley," prepared by Frank Iebba, Land Surveyor, dated January 16, 2006, a copy of which is on file in the office of the town clerk. Said conveyance shall not be made until the town has acquired good title to a parcel of land owned by James and Pamela Broderick, which is shown as Lot 1B on said plan.

**SECTION 2.** In consideration of the conveyance authorized in section 1, James and Pamela Broderick shall convey the parcel of land shown on said plan as Lot 1B to the town of Wellesley, for parkland purposes, to be held under the control of the Natural Resources Commission. The board of selectmen shall determine whether the fair market value of this parcel is equal to or greater than the fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal. If there is a disparity in these values which is not in the town of Wellesley's favor, James and Pamela Broderick shall pay a sum equal to the difference to the town of Wellesley for deposit into its open space fund or otherwise dedicated to open space preservation.

**SECTION 3.** This act shall take effect upon its passage.

Approved July 25, 2007.



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**Chapter 72. AN ACT CHANGING THE NAME OF THE MASSACHUSETTS COLLEGE OF ART TO THE MASSACHUSETTS COLLEGE OF ART AND DESIGN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The name of the Massachusetts College of Art is hereby changed to the Massachusetts College of Art and Design.

**SECTION 2.** Section 4 of chapter 15A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “Art”, in line 26, the following words:- and Design.

**SECTION 3.** Section 5 of said chapter 15A, as so appearing, is hereby amended by inserting after the word “Art”, in line 6, the following words:- and Design.

**SECTION 4.** Section 1 of chapter 73 of the General Laws, as so appearing, is hereby amended by striking out, in lines 15 and 22, the words “college of art” and inserting in place thereof, in each instance, the following words:-College of Art and Design.

**SECTION 5.** Section 1A of said chapter 73, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “college of art” and inserting in place thereof the following words:- College of Art and Design.

**SECTION 6.** Section 1B of said chapter 73, as so appearing, is hereby amended by striking out, in line 3, the words “college of art” and inserting in place thereof the following words:- College of Art and Design.

**SECTION 7.** Section 4B of said chapter 73, as so appearing, is hereby amended by striking out, in line 2, the words “college of art” and inserting in place thereof the following words:- College of Art and Design.

**SECTION 8.** Section 8 of said chapter 73, as so appearing, is hereby amended by striking out, in line 3, the words “college of art” and inserting in place thereof the following words:- College of Art and Design.

**SECTION 9.** Section 10 of said chapter 73, as so appearing, is hereby amended by striking out, in line 7, the words “college of art” and inserting in place thereof the following words:- College of Art and Design.

**SECTION 10.** Section 19 of said chapter 73, as so appearing, is hereby amended by inserting after the word “Art”, in line 6, the following words:- and Design.

**SECTION 11.** Paragraph (h) of section 1 of chapter 703 of the acts of 1963, as appearing in section 3 of chapter 800 of the acts of 1985, is hereby amended by striking out, in lines 3 and 4, the words “the Massachusetts College of Art, the Massachusetts Maritime Academy, North Adams State College” and inserting in place thereof the following words:- the Massachusetts College of Art and Design, the Massachusetts Maritime Academy, the Massachusetts College of Liberal Arts.

Approved July 25, 2007.

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## **Chapter 73. AN ACT RELATIVE TO THE NEWTON COMMUNITY DEVELOPMENT AUTHORITY AND THE NEWTON HOUSING AUTHORITY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 705 of the acts of 1975 is hereby amended by inserting after section 1 the following section:-

Section 1A. For the purposes of this act, the following words shall have the following meanings:

“Affordable housing”, housing for low, moderate or upper-moderate-income persons and families, including owner-occupied housing and publicly and privately owned rental housing.

“Low-income person or family”, an individual or family whose gross annual income is less than or equal to 50 per cent of the area median income as determined by the guidelines of the United States Department of Housing and Urban Development.

“Moderate-income person or family”, an individual or family whose gross annual income is more than 50 per cent and less than or equal to 80 per cent of the area median income as determined by the guidelines of the United States Department of Housing and Urban Development.

“Upper-moderate-income person or family”, an individual or family whose gross annual income is more than 80 per cent and less than or equal to 100 per cent of the area median income as determined by the guidelines of the United States Department of Housing and Urban Development.

**SECTION 2.** Section 4 of said chapter 705 is hereby amended by striking out, in lines 2 and 3, and in lines 10 and 11, the words “state secretary of communities and” and inserting in place thereof, in each instance, the following words:- director of housing and community.

**SECTION 3.** Section 5 of said chapter 705 is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 499 of the acts of 1989, and inserting in place thereof the following paragraph:-

The director, as sole member of the community development authority, shall not receive additional compensation, and the community development authority need not elect officers. So far as practical, the community development authority shall make use of the services of the department for staff and administrative functions and the department may charge the community development authority for such services an amount agreed to by the department and the community development authority with the approval of the mayor. The community development authority shall have independent authority to develop housing programs, including but not limited to affordable housing projects involving public and private ventures, congregate housing for the elderly and community residences for persons with disabilities. Nothing in this section shall be construed to prevent the housing authority from undertaking similar projects. Whenever the community development authority or the

housing authority determines that it will develop such a project, it shall give immediate written notice to the other authority. If both the community development authority and the housing authority desire to develop the same site, the authorities shall immediately confer in good faith to determine which authority is better able to promote affordable housing through the project, but if the housing authority intends to develop the site as a rental housing project, it shall be given first preference.

**SECTION 4.** Section 7 of said chapter 705 is hereby amended by striking out clause (h) and inserting in place thereof the following clause:-

(h) to acquire by purchase, exchange, transfer, lease, gift, grant or assignment any property, real or personal, or any interest therein, found by it to be necessary to carry out its purposes, and to hold, sell, exchange, transfer, lease or assign such property to the city, the housing authority or a person;

**SECTION 5.** Said section 7 of said chapter 705 is hereby further amended by striking out clauses (j) and (k), as appearing in section 2 of chapter 479 of the acts of 1982.

**SECTION 6.** Said section 7 of said chapter 705 is hereby further amended by striking out clause (n).

**SECTION 7.** Said section 7 of said chapter 705 is hereby further amended by adding the following 6 clauses:-

(o) to assist low and moderate-income property owners, low and moderate-income tenants, and owners of property used as housing for low or moderate-income tenants with housing rehabilitation, including making grants and unsecured and secured loans and holding mortgages and other security interests;

(p) to assist organizations and persons carrying out programs of affordable housing with the acquisition, development, rehabilitation and management of properties used as housing for low or moderate-income tenants, including making grants and unsecured and secured loans and holding mortgages and other security interests;

(q) to provide and operate home-buying assistance programs to assist low, moderate and upper-moderate-income persons in the acquisition of property for their use as owner-occupied housing, including providing technical assistance, training and counseling, making loans and grants, and exercising rights of first refusal, options and other property interests to promote and preserve affordable housing for qualified low and moderate-income buyers;

(r) to provide economic development assistance to businesses that create jobs for low, moderate and upper-moderate-income employees and businesses owned by low, moderate or upper-moderate-income owners, including making grants, unsecured and secured loans and holding mortgages and other security interests;

(s) to acquire and hold interests in privately-owned real properties, including covenants, restrictions, options and rights of first refusal, that provide for use of such properties for housing for low or moderate-income tenants; to exercise all rights under such interests and to transfer such interests to persons of low or moderate-income, the Newton Housing Authority or any other qualified organization or entity; and



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(t) on a temporary basis, to operate, manage and maintain properties, including the rental or lease of properties, or to engage the Newton Housing Authority or an organization or person for the operation, management and maintenance of properties, but only as reasonably necessary to provide for continued operation and preservation of the affordable housing status of such properties until the authority transfers its ownership to a person of low or moderate-income for use as owner-occupied housing or to an organization or person qualified to carry out a program of affordable housing.

**SECTION 8.** Sections 11C and 11D of said chapter 705 are hereby repealed.

**SECTION 9.** Said chapter 705 is hereby further amended by striking out section 11E, as appearing in section 6 of chapter 499 of the acts of 1989, and inserting in place thereof the following section:-

Section 11E. The community development authority may, in its discretion, assist the housing authority with site selection and acquisition, site engineering, land use and zoning analysis, permitting, funding assistance, financial analysis, design and architect selection and development of specifications and working drawings. The housing authority may exercise independent authority to oversee and manage all phases of construction of rental housing projects developed by the community development authority for operation by the housing authority, from the date of construction contract award, subject to its powers and authority under chapter 121B of the General Laws.

**SECTION 10.** Section 11F of said chapter 705, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The housing authority and the community development authority shall participate jointly in final design and architect selection for projects developed by the community development authority for operation by the housing authority.

Approved July 25, 2007.

## Chapter 74. AN ACT RELATIVE TO MUNICIPAL REAL ESTATE TAX NOTICES.

*Be it enacted, etc., as follows:*

**SECTION 1.** The first paragraph of section 57 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- A first actual real estate tax bill sent out for fiscal year 2008 or any subsequent year pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rate, annual sewer use, or other charge which may constitute a lien is overdue for more than 90 days. Such delinquencies shall not include amounts due relating to fire service, electric, water or sewer use in any city or town served by more than 1 independent municipal or district fire, electric, water, sewer, or joint water and sewer district or in any city



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or town served by an independent municipal or district fire, electric, water, sewer, or joint water and sewer district that is not principally domiciled in that city or town.

**SECTION 2.** The seventh paragraph of section 57C of said chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- A first actual real estate tax bill sent out for fiscal year 2008 or any subsequent year pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rate, annual sewer use, or other charge which may constitute a lien is overdue for more than 90 days. Such delinquencies shall not include amounts due relating to fire service, electric, water or sewer use in any city or town served by more than 1 independent municipal or district fire, electric, water, sewer, or joint water and sewer district or in any city or town served by an independent municipal or district fire, electric, water, sewer, or joint water and sewer district that is not principally domiciled in that city or town.

*Emergency Letter: 7/25/2007 @ 4:23 P.M*

Approved July 25, 2007.

**Chapter 75. AN ACT RELATIVE TO THE INVESTMENT OF TRUST FUNDS  
FOR THE CITY OF NEWTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the treasurer of the city of Newton may invest the funds of the city in the custody of the treasurer in accordance with the investor rule, and sections 3, 4, 5, 8 and 9 of chapter 203C of the General Laws. The treasurer, in consultation with each trust fund board of trustees, shall develop investment policies which shall include an asset allocation policy for each trust fund and shall select professional investment advisors to manage the funds.

**SECTION 2.** Section 54 of chapter 44 of the General Laws shall not apply to the city of Newton.

**SECTION 3.** This act shall take effect upon its passage.

Approved July 25, 2007.

**Chapter 76. AN ACT RELATIVE TO THE AT-LARGE PRELIMINARY  
ELECTION IN THE CITY OF BOSTON IN 2007.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or charter provision to the

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contrary, for the year 2007 only, no preliminary election shall be held in the city of Boston to nominate 8 persons for the office of at-large city councillor. Instead, the preliminary election shall be dispensed with and the 9 persons that have duly qualified as candidates for the office of at-large city councillor shall be deemed nominated for the office of at-large city councillor, although in consequences there shall be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 26, 2007.

**Chapter 77. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may grant 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138 to Highpoint Liquors, LLC, located at 2 Connector road in the town of Westborough. The license shall be subject to all of said chapter 138, except said section 17.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location. The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority. Notwithstanding said section 17 of said chapter 138 or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 27, 2007

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## **Chapter 78. AN ACT IMPROVING JUROR SERVICE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to improve forthwith juror service, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 4 of chapter 234A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1, the words “As of the date of receipt of the juror summons, any” and inserting in place thereof the following word:- Any.

**SECTION 2.** Said section 4 of said chapter 234A, as so appearing, is hereby further amended by striking out, in line 52, the word “calendar”.

**SECTION 3.** Section 16 of said chapter 234A, as so appearing, is hereby amended by striking out, in lines 5 to 8, inclusive, the words “Such list shall be randomly shuffled by the office of the jury commissioner and stored as a data processing file on a magnetic tape or disk. After the random shuffling of the master juror list has occurred” and inserting in place thereof the following:- The office of the jury commissioner shall randomly shuffle the names that appear on the master juror list and store the list as a data processing file. After the random shuffling of the names that appear on the master juror list has occurred.

**SECTION 4.** Said section 16 of said chapter 234A, as so appearing, is hereby further amended by striking out, in line 16, the word “calendar”.

Approved August 2, 2007.

## **Chapter 79. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DANIEL CURRAN, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the Hampshire county sheriff's department shall establish a sick leave bank for Daniel Curran, an employee of the sheriff's department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by said Daniel Curran. Whenever Daniel Curran terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred

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to the extended illness leave bank.

Approved August 2, 2007.

**Chapter 80. AN ACT RELATIVE TO PROPERTY OWNED BY THE BOYS AND GIRLS CLUB OF BROCKTON, INC.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to subordinate the reversionary clause contained in the deed from the City of Brockton to the Boys and Girls Club of Brockton, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of chapter 137 of the acts of 1996 or any other general or special law to the contrary, the city of Brockton, acting by and through its mayor, is hereby authorized to subordinate the reversionary clause contained in the deed from the city of Brockton to the Boys and Girls Club recorded at Plymouth county registry of deeds at Book 18181, Page 349 to allow the Boys and Girls Club to obtain financing, not to exceed \$250,000.00, from a conventional lender to fund much needed repairs to the Boys and Girls Club property. The form and content of any documents shall be acceptable to the mayor except that any subordination agreement executed by the mayor shall contain a provision that any surplus funds, after payment of principal, interest and lender's costs and expenses, resulting from any foreclosure sale shall be paid to the city of Brockton.

Approved August 2, 2007.

**Chapter 81. AN ACT PROVIDING FOR A CERTAIN EXEMPTION FROM THE SALES TAX.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, for the days of August 11, 2007 and August 12, 2007, an excise shall not be imposed upon nonbusiness sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. For the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

**SECTION 2.** Notwithstanding any general or special law to the contrary, for the days of August 11, 2007 and August 12, 2007, a vendor shall not add to the sales price or collect from a nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of



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revenue shall not require a vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 11, 2007 and August 12, 2007. An excise erroneously or improperly collected during the days of August 11, 2007 and August 12, 2007 shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or a single item the price of which is in excess of \$2,500.

**SECTION 3.** Notwithstanding any general or special law to the contrary, reporting requirements imposed upon vendors of tangible personal property, by law or by regulation and including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 11, 2007 and August 12, 2007.

**SECTION 4.** (a) Notwithstanding any general or special law to the contrary, on or before December 31, 2007, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised, from personal and corporate income taxes and other sources pursuant to this act.

(b) Notwithstanding any general or special law to the contrary, the commissioner of revenue shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing the impact of this act. The report shall include, without limitation, an analysis by fund of the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund notwithstanding this act.

**SECTION 5.** Notwithstanding any general or special law to the contrary, the commissioner of revenue shall issue instructions or forms, or promulgate rules and regulations, necessary for the implementation of this act.

**SECTION 6.** Notwithstanding any general or special law to the contrary, eligible sales at retail of tangible personal property under sections 1 and 2 shall be restricted to those transactions occurring on August 11, 2007 and August 12, 2007. Transfer of possession of or payment in full for the property shall occur on 1 of those days and prior sales or layaway sales shall be ineligible.

*Emergency Letter: 8/2/2007 @ 2:05 P.M*

Approved August 2, 2007.

## Chapter 82. AN ACT RELATIVE TO SECURITY FREEZES AND NOTIFICATION OF DATA BREACHES.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 66 of the General Laws is hereby amended by inserting after section 8A the following section:—

Section 8B. Records or documents required to be destroyed or disposed of in this

chapter shall be destroyed or disposed of in the manner set forth in chapter 93I.

**SECTION 2.** Section 2 of chapter 66A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “fire”, in line 33, the following words:- , identity theft.

**SECTION 3.** Section 50 of chapter 93 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Firm offer of credit” the following definition:-

“Identity theft report”, a report that alleges a violation of section 37E of chapter 266, 18 United States Code, section 1028, or a similar statute in any other jurisdiction, or a copy of a report filed by a consumer with an appropriate federal, state or local law enforcement agency, and the filing of which subjects the person filing the report to criminal penalties pursuant to section 67B of chapter 266 or section 13A of chapter 269.

**SECTION 4.** Said section 50 of said chapter 93, as so appearing, is hereby further amended by inserting after the definition of “Investigative consumer report” the following definition:-

“Lift”, to suspend a security freeze for the purpose of releasing a consumer’s credit information to a specific party or for a specified period of time, as authorized by the consumer.

**SECTION 5.** Said section 50 of said chapter 93, as so appearing, is hereby further amended by inserting after the definition of “Medical information” the following definition:-

“Password” or “Personal identification number”, a unique and random number or a unique and random combination of numbers, letters or symbols, which shall not contain a consumer’s social security number or any sequence of 3 or more numbers of a consumer’s social security number, or other personal identifying information.

**SECTION 6.** Said section 50 of said chapter 93, as so appearing, is hereby further amended by inserting after the definition of “Prescreening” the following 3 definitions:-

“Proper identification”, information sufficient to identify a person, which shall include, but not be limited to, name, address, social security number and date of birth. Such information shall not include information concerning the consumer’s employment and personal or family history unless the consumer is unable to reasonably identify himself with the information described in the preceding sentence.

“Remove”, to permanently terminate a security freeze.

“Security freeze”, a notice placed on a person’s consumer report by a consumer reporting agency, at the request of the consumer and subject to certain exceptions, which prohibits the consumer reporting agency from releasing the report or any information derived therefrom without the express authorization of the consumer.

**SECTION 7.** Section 55 of said chapter 93, as so appearing, is hereby amended by striking out, in line 1, the words “the provisions of section fifty-one” and inserting in place thereof the following words:- sections 51 and 62A.

**SECTION 8.** The third paragraph of subsection (b) of section 56 of said chapter 93,

as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- You have a right to dispute inaccurate information by contacting the consumer reporting agency directly, either in writing or by telephone. The consumer reporting agency shall provide, upon request and without unreasonable delay, a live representative of the consumer reporting agency to assist in dispute resolution whenever possible and practicable, or to the extent consistent with federal law.

**SECTION 9.** The last paragraph of said subsection (b) of said section 56 of said chapter 93, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- You may be entitled to collect compensation, in certain circumstances, if you are damaged by a person's negligent or intentional failure to comply with the credit reporting act.

**SECTION 10.** Said subsection (b), of said section 56 of said chapter 93, as so appearing, is hereby further amended by adding the following 4 paragraphs:-

You have a right to request a "security freeze" on your consumer report. The security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. A security freeze shall be requested by sending a request either by certified mail, overnight mail or regular stamped mail to a consumer reporting agency, or as authorized by regulation. The security freeze is designed to prevent credit, loans or services from being approved in your name without your consent. You should be aware that using a security freeze may delay, interfere with, or prevent the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, internet credit card transactions, or other services, including an extension of credit at point of sale.

When you place a security freeze on your consumer report, within 5 business days of receiving your request for a security freeze, the consumer reporting agency shall provide you with a personal identification number or password to use if you choose to remove the freeze on your consumer report or to authorize the release of your consumer report to a specific party or for a specified period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide the following:-

- (1) the personal identification number or password provided by the consumer reporting agency;
- (2) proper identification to verify your identity; and
- (3) the third party or parties who are to receive the consumer report or the specified period of time for which the report shall be available to authorized users of the consumer report.

A consumer reporting agency that receives a request from a consumer to lift a freeze on a consumer report shall comply with the request not later than 3 business days after receiving the request.

A security freeze shall not apply to a person or entity, or to its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account,



that requests information relative to your consumer report for the purposes of reviewing or collecting the account, if you have previously given consent to the use of your consumer report. "Reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

**SECTION 11.** Section 58 of said chapter 93, as so appearing, is hereby amended by inserting after the word "writing", in line 17, the following words:— , but shall provide consumers with the option of speaking with a live representative at any time during the dispute resolution process, whenever possible and practicable or to the extent consistent with federal law.

**SECTION 12.** Said section 58 of said chapter 93, as so appearing, is hereby further amended by adding the following paragraph:—

(j) At any time during the dispute process described in this section, the consumer shall have the right to request to speak to a live representative from the consumer reporting agency in an attempt to resolve the dispute. The consumer reporting agency shall maintain a toll-free telephone number available to consumers for such purpose and shall notify consumers of its availability whenever possible and practicable or to the extent consistent with federal law.

**SECTION 13.** Said chapter 93 is hereby further amended by inserting after section 62 the following section:—

Section 62A. If a consumer requests a security freeze, the consumer reporting agency shall disclose to the consumer the process of placing, removing and lifting a security freeze. A consumer reporting agency shall require proper identification of the person making a request to place, lift or remove a security freeze.

A consumer may request that a security freeze be placed on his consumer report by sending a request to a consumer reporting agency by certified mail, overnight mail or regular stamped mail to an address designated by the consumer reporting agency to receive such requests, or by a method otherwise permitted by regulation. If a security freeze is in place, the information from a consumer report shall not be released to a third party without prior express authorization from the consumer. This section shall not prohibit a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report.

A consumer reporting agency shall place a security freeze on a consumer report not later than 3 business days after receiving a request from the consumer. The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within 5 business days after receiving the request and shall provide the consumer with a unique personal identification number or a unique password, or both, to be used by the consumer for the purpose of providing authorization for the removal or lifting of the security freeze.

If the consumer wishes to lift a security freeze that is in place, he shall contact the consumer reporting agency, request that the freeze be lifted, and provide proper identification, the personal identification number or password, or both, provided by the



consumer reporting agency, and the third party who is to receive the consumer report or the specified period of time for which the report shall be available to authorized users of the consumer report.

A consumer reporting agency that receives a request from a consumer to lift a security freeze on a consumer report pursuant to this chapter shall comply with the request as soon as practicable and without unreasonable delay, but under no circumstances not later than 3 business days after receiving the request.

A security freeze shall remain in place until the consumer requests that the security freeze be lifted or removed in accordance with this section; provided, however, that a consumer reporting agency may remove a security freeze if the consumer report was frozen due to a material misrepresentation of fact. If a consumer reporting agency intends to remove a freeze on a consumer report due to a material misrepresentation of fact by the consumer, the consumer reporting agency shall notify the consumer in writing 5 business days prior to removing the freeze on the consumer report.

While a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer report: name, date of birth, social security number, and address. Written confirmation shall not be required for technical modifications of information contained in a consumer report, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

If a third party requests access to a consumer report on which a security freeze is in effect, and this request is submitted in connection with an application for credit or any other use, and the consumer does not allow his or her consumer report to be accessed for that specific party or for that specified period of time, the third party shall treat the application as incomplete.

A consumer reporting agency shall remove a security freeze within 3 business days of receiving a request for removal from a consumer who provides both proper identification and the personal identification number or password provided by the consumer reporting agency pursuant to this section.

This section shall not apply to the use of a consumer report by any of the following:-

(a) a person or agent thereof, or an assignee of a financial obligation owing by the consumer to such person or agent thereof, or a prospective assignee of a financial obligation owing by the consumer to that person or agent thereof in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had, prior to assignment, an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract or negotiable instrument. For purposes of this paragraph, "reviewing the account" shall include activities related to account maintenance, monitoring, credit line increases and account upgrades and enhancements; or

access to said account by a subsidiary, affiliate, agent, assignee or prospective assignee of a person, or agent thereof, to whom access has been granted for purposes of facilitating the extension of credit or other permissible use;

(b) any federal, state or local agency, law enforcement agency, or trial court acting pursuant to a court order, warrant or subpoena;

(c) the Massachusetts child support agency under Title IV-D of the Social Security Act, 42 U.S.C. et seq;

(d) the executive office of health and human services or its agents or assigns acting to investigate Medicaid fraud;

(e) the department of revenue or its agents or assigns acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

(f) a person using credit information for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act;

(g) any person administering a credit file monitoring subscription service to which the consumer has subscribed;

(h) any person acting solely for the purpose of providing a consumer with a copy of his consumer report upon the consumer's request; or

(i) to the extent otherwise allowed by statute, any property and casualty insurer licensed by the commonwealth for use in rating or underwriting insurance policies.

Nothing in this chapter shall prevent a consumer reporting agency from charging a reasonable fee, not to exceed \$5, to a consumer who elects to freeze, lift or remove a freeze to a consumer report, except that a consumer reporting agency shall not charge a fee to a victim of identity theft or his spouse, provided that the victim has submitted a valid police report relating to the identity theft to the consumer reporting agency.

The following persons shall not be required to place a security freeze on a consumer report:-

(a) a check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers or similar methods of payments;

(b) a deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank; or

(c) a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent database of credit information from which new consumer reports are produced, except that such financial institution or consumer reporting agency shall be subject to any security freeze placed on a consumer report by another consumer reporting agency from which it obtains information.

Notwithstanding any general or special law to the contrary, the director of consumer affairs and business regulation, in consultation with the secretary of housing and economic development, shall promulgate rules and regulations for the purpose of expediting the methods of requesting, lifting and removing security freezes through technological advancements, consistent with this section and designed to benefit consumers.

**SECTION 14.** Section 63 of said chapter 93, as so appearing, is hereby amended by striking out, in line 4, the words "fifty to sixty-two" and inserting in place thereof the following figures:- 50 to 62A.

**SECTION 15.** Section 64 of said chapter 93, as so appearing, is hereby amended by striking out, in line 4, the words "fifty to sixty-two", and inserting in place thereof the following figures:- 50 to 62A.

**SECTION 16.** The General Laws are hereby further amended by inserting after chapter 93G the following chapter:-

**CHAPTER 93H.**

*Security Breaches.*

Section 1. (a) As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or any of its branches, or of any political subdivision thereof.

"Breach of security", the unauthorized acquisition or unauthorized use of unencrypted data or, encrypted electronic data and the confidential process or key that is capable of compromising the security, confidentiality, or integrity of personal information, maintained by a person or agency that creates a substantial risk of identity theft or fraud against a resident of the commonwealth. A good faith but unauthorized acquisition of personal information by a person or agency, or employee or agent thereof, for the lawful purposes of such person or agency, is not a breach of security unless the personal information is used in an unauthorized manner or subject to further unauthorized disclosure.

"Data" any material upon which written, drawn, spoken, visual, or electromagnetic information or images are recorded or preserved, regardless of physical form or characteristics.

"Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"Encrypted" transformation of data through the use of a 128-bit or higher algorithmic process into a form in which there is a low probability of assigning meaning without use of a confidential process or key, unless further defined by regulation of the department of consumer affairs and business regulation.

"Notice" shall include:-

(i) written notice;

(ii) electronic notice, if notice provided is consistent with the provisions regarding electronic records and signatures set forth in § 7001 (c) of Title 15 of the United States Code; and chapter 110G; or



(iii) substitute notice, if the person or agency required to provide notice demonstrates that the cost of providing written notice will exceed \$250,000, or that the affected class of Massachusetts residents to be notified exceeds 500,000 residents, or that the person or agency does not have sufficient contact information to provide notice.

"Person", a natural person, corporation, association, partnership or other legal entity.

"Personal information" a resident's first name and last name or first initial and last name in combination with any 1 or more of the following data elements that relate to such resident:

- (a) Social Security number;
- (b) driver's license number or state-issued identification card number; or
- (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account; provided, however, that "Personal information" shall not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public.

"Substitute notice", shall consist of all of the following:-

- (i) electronic mail notice, if the person or agency has electronic mail addresses for the members of the affected class of Massachusetts residents;

- (ii) clear and conspicuous posting of the notice on the home page of the person or agency if the person or agency maintains a website; and

- (iii) publication in or broadcast through media or medium that provides notice throughout the commonwealth.

(b) The department of consumer affairs and business regulation may adopt regulations, from time to time, to revise the definition of "encrypted", as used in this chapter, to reflect applicable technological advancements.

Section 2. (a) The department of consumer affairs and business regulation shall adopt regulations relative to any person that owns or licenses personal information about a resident of the commonwealth. Such regulations shall be designed to safeguard the personal information of residents of the commonwealth and shall be consistent with the safeguards for protection of personal information set forth in the federal regulations by which the person is regulated. The objectives of the regulations shall be to: insure the security and confidentiality of customer information in a manner fully consistent with industry standards; protect against anticipated threats or hazards to the security or integrity of such information; and protect against unauthorized access to or use of such information that may result in substantial harm or inconvenience to any consumer. The regulations shall take into account the person's size, scope and type of business, the amount of resources available to such person, the amount of stored data, and the need for security and confidentiality of both consumer and employee information.

(b) The supervisor of records, with the advice and consent of the information technology division to the extent of its jurisdiction to set information technology standards



under paragraph (d) of section 4A of chapter 7, shall establish rules or regulations designed to safeguard the personal information of residents of the commonwealth that is owned or licensed. Such rules or regulations shall be applicable to: (1) executive offices and any agencies, departments, boards, commissions and instrumentalities within an executive office; and (2) any authority created by the General Court, and the rules and regulations shall take into account the size, scope and type of services provided thereby, the amount of resources available thereto, the amount of stored data, and the need for security and confidentiality of both consumer and employee information. The objectives of the rules or regulations shall be to: insure the security and confidentiality of personal information; protect against anticipated threats or hazards to the security or integrity of such information; and to protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any resident of the commonwealth.

(c) The legislative branch, the judicial branch, the attorney general, the state secretary, the state treasurer and the state auditor shall adopt rules or regulations designed to safeguard the personal information of residents of the commonwealth for their respective departments and shall take into account the size, scope and type of services provided by their departments, the amount of resources available thereto, the amount of stored data, and the need for security and confidentiality of both consumer and employee information. The objectives of the rules or regulations shall be to: insure the security and confidentiality of customer information in a manner fully consistent with industry standards; protect against anticipated threats or hazards to the security or integrity of such information; and protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any resident of the commonwealth.

Section 3. (a) A person or agency that maintains or stores, but does not own or license data that includes personal information about a resident of the commonwealth, shall provide notice, as soon as practicable and without unreasonable delay, when such person or agency (1) knows or has reason to know of a breach of security or (2) when the person or agency knows or has reason to know that the personal information of such resident was acquired or used by an unauthorized person or used for an unauthorized purpose, to the owner or licensor in accordance with this chapter. In addition to providing notice as provided herein, such person or agency shall cooperate with the owner or licensor of such information. Such cooperation shall include, but not be limited to, informing the owner or licensor of the breach of security or unauthorized acquisition or use, the date or approximate date of such incident and the nature thereof, and any steps the person or agency has taken or plans to take relating to the incident, except that such cooperation shall not be deemed to require the disclosure of confidential business information or trade secrets, or to provide notice to a resident that may have been affected by the breach of security or unauthorized acquisition or use.

(b) A person or agency that owns or licenses data that includes personal information about a resident of the commonwealth, shall provide notice, as soon as practicable and without unreasonable delay, when such person or agency (1) knows or has reason to know

of a breach of security or (2) when the person or agency knows or has reason to know that the personal information of such resident was acquired or used by an unauthorized person or used for an unauthorized purpose, to the attorney general, the director of consumer affairs and business regulation and to such resident, in accordance with this chapter. The notice to be provided to the attorney general and said director, and consumer reporting agencies or state agencies if any, shall include, but not be limited to, the nature of the breach of security or unauthorized acquisition or use, the number of residents of the commonwealth affected by such incident at the time of notification, and any steps the person or agency has taken or plans to take relating to the incident.

Upon receipt of this notice, the director of consumer affairs and business regulation shall identify any relevant consumer reporting agency or state agency, as deemed appropriate by said director, and forward the names of the identified consumer reporting agencies and state agencies to the notifying person or agency. Such person or agency shall, as soon as practicable and without unreasonable delay, also provide notice, in accordance with this chapter, to the consumer reporting agencies and state agencies identified by the director of consumer affairs and business regulation.

The notice to be provided to the resident shall include, but not be limited to, the consumer's right to obtain a police report, how a consumer requests a security freeze and the necessary information to be provided when requesting the security freeze, and any fees required to be paid to any of the consumer reporting agencies, provided however, that said notification shall not include the nature of the breach or unauthorized acquisition or use or the number of residents of the commonwealth affected by said breach or unauthorized access or use.

(c) If an agency is within the executive department, it shall provide written notification of the nature and circumstances of the breach or unauthorized acquisition or use to the information technology division and the division of public records as soon as practicable and without unreasonable delay following the discovery of a breach of security or unauthorized acquisition or use, and shall comply with all policies and procedures adopted by that division pertaining to the reporting and investigation of such an incident.

Section 4. Notwithstanding section 3, notice may be delayed if a law enforcement agency determines that provision of such notice may impede a criminal investigation and has notified the attorney general, in writing, thereof and informs the person or agency of such determination. If notice is delayed due to such determination and as soon as the law enforcement agency determines and informs the person or agency that notification no longer poses a risk of impeding an investigation, notice shall be provided, as soon as practicable and without unreasonable delay. The person or agency shall cooperate with law enforcement in its investigation of any breach of security or unauthorized acquisition or use, which shall include the sharing of information relevant to the incident; provided however, that such disclosure shall not require the disclosure of confidential business information or trade secrets.

Section 5. This chapter does not relieve a person or agency from the duty to comply with requirements of any applicable general or special law or federal law regarding the protection and privacy of personal information; provided however, a person who maintains procedures for responding to a breach of security pursuant to federal laws, rules, regulations, guidance, or guidelines, is deemed to be in compliance with this chapter if the person notifies affected Massachusetts residents in accordance with the maintained or required procedures when a breach occurs; provided further that the person also notifies the attorney general and the director of the office of consumer affairs and business regulation of the breach as soon as practicable and without unreasonable delay following the breach. The notice to be provided to the attorney general and the director of the office of consumer affairs and business regulation shall consist of, but not be limited to, any steps the person or agency has taken or plans to take relating to the breach pursuant to the applicable federal law, rule, regulation, guidance or guidelines; provided further that if said person or agency does not comply with applicable federal laws, rules, regulations, guidance or guidelines, then it shall be subject to the provisions of this chapter.

Section 6. The attorney general may bring an action pursuant to section 4 of chapter 93A against a person or otherwise to remedy violations of this chapter and for other relief that may be appropriate.

**SECTION 17.** The General Laws are hereby further amended by inserting after chapter 93H the following chapter:-

**CHAPTER 93I.**

*Disposition and Destruction of Records.*

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Agency”, any county, city, town, or constitutional office or any agency thereof, including but not limited to, any department, division, bureau, board, commission or committee thereof, or any authority created by the general court to serve a public purpose, having either statewide or local jurisdiction.

“Data subject”, an individual to whom personal information refers.

“Person”, a natural person, corporation, association, partnership or other legal entity.

“Personal information”, a resident’s first name and last name or first initial and last name in combination with any 1 or more of the following data elements that relate to the resident:-

- (a) Social Security number;
- (b) driver’s license number or Massachusetts identification card number;
- (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password that would permit access to a resident’s financial account; or
- (d) a biometric indicator.

Section 2. When disposing of records, each agency or person shall meet the follow-



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ing minimum standards for proper disposal of records containing personal information:

(a) paper documents containing personal information shall be either redacted, burned, pulverized or shredded so that personal data cannot practicably be read or reconstructed;

(b) electronic media and other non-paper media containing personal information shall be destroyed or erased so that personal information cannot practicably be read or reconstructed.

Any agency or person disposing of personal information may contract with a third party to dispose of personal information in accordance with this chapter. Any third party hired to dispose of material containing personal information shall implement and monitor compliance with policies and procedures that prohibit unauthorized access to or acquisition of or use of personal information during the collection, transportation and disposal of personal information.

Any agency or person who violates the provisions of this chapter shall be subject to a civil fine of not more than \$100 per data subject affected, provided said fine shall not exceed \$50,000 for each instance of improper disposal. The attorney general may file a civil action in the superior or district court in the name of the commonwealth to recover such penalties.

Section 3. The attorney general may bring an action pursuant to section 4 of chapter 93A against a person or otherwise to remedy violations of this chapter and for other relief that may be appropriate.

**SECTION 18.** Section 37E of chapter 266 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection:—

(f) A law enforcement officer shall accept a police incident report from a victim and shall provide a copy to such victim, if requested, within 24 hours. Such police incident reports may be filed in any county where a victim resides, or in any county where the owner or license holder of personal information stores or maintains said personal information, the owner's or license holder's principal place of business or any county in which the breach of security occurred, in whole or in part.

**SECTION 19.** Section 17 shall take effect on February 3, 2008.

Approved August 2, 2007.

## Chapter 83. AN ACT PROHIBITING INTERNET HUNTING.

*Be it enacted, etc., as follows:*

Chapter 131 of the General Laws is hereby amended by inserting after section 65 the following section:—

Section 65A. (a) For the purposes of this section, "online shooting or spearing" means the use of a computer or any other device, equipment, software or technology, to remotely control the aiming and discharge of any weapon including, but not limited to, any firearm,



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bow and arrow, spear, slingshot, harpoon or any other projectile device or any other weapon capable of killing or capable of inflicting injury capable of killing any bird, mammal, reptile or fish.

(b) Whoever:

(1) engages in online shooting or spearing of any bird, mammal, reptile or fish;

(2) owns or operates a shooting range, site, gallery or other facility in the commonwealth utilized for online shooting or spearing;

(3) creates, maintains or utilizes an Internet Web site, or a service or business via any other means, from any location within the commonwealth for the operation of online shooting or spearing;

(4) possesses or confines any bird, mammal, reptile or fish to promote or for use in online shooting or spearing; or

(5) imports into or exports out of the commonwealth any bird, mammal, reptile or fish, or the remains thereof, injured or killed by online shooting or spearing, shall be punished by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$2,500, or by both such fine and imprisonment.

(c) The department shall revoke any license issued pursuant to section 12 to any person who violates this section. The department shall not issue nor renew a license under said section 12 to any person who violates this section for not less than 3 years nor more than 5 years from the date of such violation.

(d) This section shall apply to any person, firm, corporation, partnership, limited liability company, association or other business entity.

(e) Any bird, mammal, reptile or fish, or the remains thereof, possessed in violation of this section shall be subject to seizure by the department.

Approved August 2, 2007.

## **Chapter 84. AN ACT RELATIVE TO THE USE OF CERTAIN SCHOOL BUILDING ASSISTANCE PROGRAM REIMBURSEMENTS TO THE CITY OF MEDFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, reimbursements that have been received or shall be received by the city of Medford from the School Building Assistance Program "Smart Fund" for repairs to the roof at Medford high school shall be immediately available for use by the city of Medford without restriction in fiscal years 2007 and 2008.

**SECTION 2.** The city of Medford shall restore any amount appropriated under this act to the reserved grant funds by fiscal year 2011 by making annual payments of equal incre-

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ments in each fiscal year beginning in fiscal year 2009. The city shall notify the commissioner of revenue of the annual payments, and if payments are not equal to or in excess of the amount necessary to achieve full restoration on the annual payment schedule by fiscal year 2011, the state treasurer shall deduct from Medford's total state school aid, as defined in section 2 of chapter 70 of the General Laws, sufficient funds to make the payments and deposit the funds in the reserved grant funds. If the city pays in excess of the required incremental payment, then the excess shall carry over and apply to the next fiscal year payment. The amount to be repaid shall not include amounts paid by the city of Medford for debt service on the repair project that would have been funded by the reserve in fiscal years 2008, 2009 and 2010 if transfers had not been made under section 1.

**SECTION 3.** This act shall take effect upon its passage.

Approved August 6, 2007.

## Chapter 85. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF BOURNE.

*Be it enacted, etc., as follows:*

**SECTION 1.** Article 3 of the home rule charter of the town of Bourne, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 3-3 and inserting in place thereof the following section:-

### 3-3 Policy Role.

The Board of Selectmen shall serve as the chief goal-setting and policy-making agency of the town, keeping in mind the requirements of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 45 days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments shall act through the adoption of broad policy guidelines only through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy goals, policies and action items which are to be implemented by the Town Administrator.

**SECTION 2.** Section 3-6 of said article 3 is hereby amended by inserting after the word "by-law" the following words:- , Town Meeting or the Board of Selectmen.

**SECTION 3.** Said article 3 is hereby further amended by adding the following section:-

**Section 3-8: Rules of Procedure**

The Board of Selectmen shall adopt, make public, and abide by its own rules of procedure to govern the conduct of its meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled before the beginning of agenda items. In addition, a public comment period must be provided before any vote on a policy issue. The Board of Selectmen may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

**SECTION 4.** Section 4-1 of article 4 of said charter is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than 5 and not more than 9 residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within 30 days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within 60 days after it resumes the search.

The Board of Selectmen, by an affirmative vote of 4 members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. The office of the Town Administrator shall not be subject to the Personnel by-law. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

**SECTION 5.** Said article 4 is hereby further amended by striking out section 4-2 and inserting in place thereof the following section:-

**4-2. Relationship of the Town Administrator and the Board of Selectmen.**

The Town Administrator shall be the primary officer responsible for the implementation of the broad policy directives of the Board of Selectmen and for the attainment of yearly goals. The daily administration of the affairs of the town shall be the responsibility of the Town Administrator only. The Town Administrator may create advisory ad-hoc committees to assist in the execution of the Town Administrator's duties.

The Town Administrator shall be evaluated by the Board of Selectmen annually for the Town Administrator's ability to effectuate policy, to accomplish goals established by the Board of Selectmen, to effectively administer town government, and to properly supervise all municipal employees except school employees.

**SECTION 6.** Said article 4 is hereby further amended by striking out section 4-4 and inserting in place thereof the following section:-

**4-4. Temporary Absence.**

The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen, designate as Acting Town Administrator a qualified officer or employee of the town to perform the duties of the Town Administrator during a temporary absence or disability. If this absence or disability exceeds 30 days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. If the Town Administrator fails to make a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified employee of the town to perform

the duties of the Town Administrator until the Town Administrator shall return.

**SECTION 7.** Section 4-6 of said article 4 is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) appoint and, in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period;.

**SECTION 8.** Said section 4-6 is hereby further amended by striking out clause (c).

**SECTION 9.** Article 5 of said charter is hereby amended by striking out section 5-2 and inserting in place thereof the following section:-

**5-2. Organization of Town Government.**

Subject only to the express prohibitions in the constitution, general laws or the charter, the Town Administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as it considers necessary or advisable. The Town Administrator may prescribe the functions of any town agency and, for this purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another, but no function assigned by the charter to a particular town agency may be discontinued or, unless the charter specifically so provides, assigned to any other. The Town Administrator shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency that the Town Administrator may consider necessary or advisable in accordance with this section. Any proposed plan submitted under this section by the Town Administrator must be approved by an affirmative vote of 3 members of the Board of Selectmen.

**SECTION 10.** Said article 5 is hereby amended by striking out section 5-3 and inserting in place thereof the following section:-

**5-3. Public Hearing and Effective Date.**

Whenever the Board of Selectmen approves such a proposed plan, it shall hold 1 or more public hearings on the proposal, giving notice by publication in a local newspaper at least 7 days in advance of the hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than 60 days after the Selectmen's vote on the final plan. Where the reorganization moves function or funding from 1 department to another, voters may petition for a Special Town Meeting to address the changes.



**SECTION 11.** Item number 11 of subsection (a) of section 5-6 of said article 5 is hereby amended by striking out, after the word "Administrator" the words "and Board of Selectmen".

**SECTION 12.** Item number 3 of subsection (b) of said section 5-6 of said article 5 is hereby amended by striking out, after the word "Administrator" the words "and Board of Selectmen".

**SECTION 13.** The first sentence of the first paragraph of section 9-2 of article 9 of said charter is hereby amended by striking out the words "four hundred and fifty (450)" and inserting in place thereof the following number:- 250.

**SECTION 14.** Said section 9-2 of said article 9 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The petition, before being returned and filed with the Town Clerk, shall be signed by not less than 10 per cent of the qualified voters as of the most recent annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number, if any.

**SECTION 15.** Said charter is hereby further amended by adding the following article:-

**Article 11 - Charter Compliance Committee**

There shall be a Charter Compliance Committee consisting of 7 members, appointed by the Town Moderator for 3-year overlapping terms so arranged that the term of no more than 3 members shall expire each year. At least 1 member of the committee shall reside in each of the town's 6 precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the charter.

The committee shall take action only after receiving a written complaint, filed by 1 or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within 3 weeks after receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation at least 7 days before the hearing date. The hearing shall occur within 60 days after the date the complaint was received by the Town Clerk.

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At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within 3 weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact Town Counsel who may file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

Approved August 6, 2007.

## Chapter 86. AN ACT RELATIVE TO THE SAFE PLACEMENT OF NEWBORN INFANTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 39½ of chapter 119 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

The department of social services, in conjunction with a designee of the juvenile court, the probate and family court, the center for adoption research at the University of Massachusetts, Massachusetts Families for Kids, Massachusetts Children's Trust Fund, Massachusetts Society for the Prevention of Cruelty to Children, Alliance on Teen Pregnancy and the department of early care and education, shall report every 2 years on the overall effectiveness of the program of voluntary placement of newborn infants established pursuant to this section. The report shall include, but not be limited to, the following: (1) an analysis of this section's effectiveness in decreasing the number of newborns that are abandoned in an unsafe manner in the commonwealth; (2) the department's success or failure in permanently placing in the adoption process any newborn placed with a designated facility pursuant to this section; (3) the average length of time that newborns remain in foster care after being so placed; (4) any issues arising from the termination of parental rights following the placement of a newborn pursuant to this section; (5) the success or failure of any public information campaign implemented by the department pursuant to this section; (6) any increased administrative burdens that may be placed upon any department or agency of the commonwealth as a result of this section; (7) issues with regard to the eligibility of any newborn infant placed pursuant to this section for federal entitlements such as foster care or adoption subsidies under Title IV-E of the United States Social Security Act or any other applicable federal law; and (8) the frequency or infrequency with which a parent placing a

newborn at a designated facility supplies the facility with the information sought by the facility pursuant to the fourth paragraph of this section and any negative effects the lack of medical or background information on the child or parents may have had on facilitating the temporary or permanent placement of the child through the foster care or adoption process. The report, including any legislative recommendations, shall be submitted to the joint committee on children, families and persons with disabilities and the house and senate committees on ways and means on or before December 1, 2008 and not later than December 1 of each even numbered year thereafter.

**SECTION 2.** Sections 2 and 3 of chapter 227 of the acts of 2004 are hereby repealed.

Approved August 6, 2007.

**Chapter 87. AN ACT RELATIVE TO CERTAIN PLAYGROUND LAND IN THE TOWN OF PROVINCETOWN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 270 of the acts of 1953, the town of Provincetown may transfer the care, custody and control of a certain parcel of land used for playground purposes from the board of selectmen to the school committee for playground purposes. This parcel is an approximately 3,841 square foot portion of the Manuel V. Motta Athletic Field, shown as parcel 3 on a plan of land entitled "Plan of Land in Provincetown Cape End Manor", prepared by William N. Rogers and dated September 2005, which is on file in the office of the town clerk.

**SECTION 2.** If the land authorized for transfer in section 1 ceases to be used for the purposes described in section 1, the land shall revert to the board of selectmen of the town of Provincetown for playground purposes.

**SECTION 3.** This act shall take effect upon its passage.

Approved August 8, 2007.

**Chapter 88. AN ACT RELATIVE TO THE MANAGEMENT AND OPERATION OF THE WALLACE CIVIC CENTER AND PLANETARIUM IN THE CITY OF FITCHBURG.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the management and operation of the civic center and planetarium

in the city of Fitchburg, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sum set forth in this section is hereby appropriated from the General Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

7110-0101 For the costs incurred by Fitchburg State College associated with the management, maintenance and operation of the George R. Wallace civic center and the Alice G. Wallace planetarium pursuant to this act; provided, that the college may expend revenues in an amount not to exceed \$1,000,000 from the revenue received by the college or the division from fees and other revenues associated with the management, maintenance and operation of the George R. Wallace, Jr. Civic Center and the Alice G. Wallace Planetarium, Inc.; and provided further, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the college may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system ..... \$1,000,000

**SECTION 2.** As used in this act the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

“Board”, the board of trustees of Fitchburg State College or a person duly authorized to act on behalf of the board.

“City”, the city of Fitchburg.

“Civic center”, the George R. Wallace, Jr. Civic Center and the Alice G. Wallace Planetarium, Inc. including all buildings and facilities that are a part thereof or appurtenant thereto and further including the parcel of land described in section 3.

“College”, Fitchburg State College.

“Commissioner”, the commissioner of capital asset management and maintenance, acting on behalf of the college.

“Division”, the division of capital asset management and maintenance.



**SECTION 3.** Notwithstanding any general or special law to the contrary, the division, acting on behalf of the college, may lease from the city the parcel of land, together with any improvements thereon, described in section 1 of chapter 437 of the acts of 1969. The lease shall be: (i) for a term of 99 years; (ii) contingent on the payment of \$1; and (iii) contingent on the execution of, and be coterminous with, the lease between the commonwealth and the board of trustees of the Wallace Civic Center as authorized in item 7004-0097 of section 2E of chapter 122 of the acts of 2006.

**SECTION 4.** (a) Notwithstanding any general or special law to the contrary, the college shall, upon the execution of the lease between the division and the city pursuant to section 3, be responsible for the management, maintenance and operation of the civic center including, but not limited to, the following: (i) establishing fees, charges and assessments pertaining to the use of the civic center; (ii) establishing rules and regulations for the use of the civic center or access thereto; (iii) establishing the priority and schedule of uses of the civic center; (iv) entering into agreements with vendors, concessionaires, management companies and other persons or entities, public or private, for the provision of goods or services in connection with the management, maintenance and operation of the civic center; and (v) adopting rules and regulations necessary or appropriate for the management, maintenance and operation of the civic center.

(b) Nothing in this section shall prohibit the college, whether pursuant to any management or other agreement or lease made pursuant to this act, from conferring on any other party to the agreement or lease its authorities under this act, including its authority to collect, apply and expend any revenues from the management, maintenance and operation of the civic center, and to do so upon terms and subject to requirements or limitations as it may deem necessary or appropriate.

**SECTION 5.** (a) Notwithstanding any general or special law to the contrary, all revenue or other consideration paid to or received by the college or the division in connection with the management, maintenance and operation of the civic center, whether pursuant to a management or other agreement, a lease made pursuant to this act or otherwise, shall be deposited into the retained revenue account established in section 1 for the management, maintenance and operation of the civic center. The board may expend moneys from the retained revenue account to reimburse the college and the division, as may be appropriate, for costs incurred, whether before or after the effective date of this act, in connection with the management, maintenance and operation of the civic center.

(b) Any balance remaining in the retained revenue account at the end of a fiscal year shall not revert to the General Fund and may be expended by the board without further appropriation. The retained revenue account shall be audited biennially by the state auditor.

**SECTION 6.** (a) Notwithstanding any general or special law to the contrary, the commissioner, at the request of the college and using a competitive proposal process the commissioner deems necessary or appropriate, may lease for a term in each case not to exceed 25 years all or any portion of the civic center so as to provide for the continued use,

operation, maintenance, repair and improvement of the civic center on such terms as the commissioner, in consultation with the college, shall determine, subject only to the requirements of this act.

(b) Notwithstanding any general or special law to the contrary, the leases shall be on terms acceptable to the commissioner after consultation with the college and shall provide that the lessee shall manage, operate, improve, repair and maintain all or a portion of the civic center. A lease requiring capital improvements to be made to any portion of the civic center shall include a description of the required capital improvements and, at a minimum, performance specifications. A lease may provide that any benefits to the commonwealth and the costs of improvements and repairs made to the civic center by the lessee may be taken into account as part of the consideration for the lease. All consideration received by the college or the division from a lease shall be payable into the retained revenue account established in section 1 and shall be held, applied and expended in accordance with the terms thereof. A lease shall require the lessee to carry comprehensive general liability insurance naming the commonwealth as a co-insured, indemnifying the commonwealth, the division, the board and the college against all personal injury or property damage at the civic center.

(c) The lessee shall bear all costs deemed necessary or appropriate by the commissioner for the transaction including, without limitation, all costs for legal work, surveys, title examinations and the preparation of plans and specifications.

(d) The commissioner, in connection with the making of a lease, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the lease including, but not limited to: (i) a comprehensive list of all rinks or other facilities operated by the responsive bidder or offeror in the preceding 4 years; (ii) other facilities management or experience of the responsive bidder or offeror; (iii) other skating or hockey management experience of the responsive bidder or offeror; (iv) proposed reasonable rates that will ensure continued public access; (v) required financial audits; (vi) policies to encourage use of the rink by persons of all races and nationalities; and (vii) safety and security plans.

(e) No general or special law or rule or regulation relating to the advertising, bidding or awarding of contracts, to the procurement of services or to the construction and design of improvements shall be applicable to the selected offeror that is awarded a contract or lease pursuant to this section.

**SECTION 7.** Notwithstanding any general or special law to the contrary, neither a lessee with a lease made pursuant to section 5 nor a person occupying the whole or a portion of the civic center pursuant to an agreement with the board shall be assessed a tax upon the whole or portion of the real or personal property that constitutes the civic center.

Approved August 8, 2007.

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**Chapter 89. AN ACT TRANSFERRING THE CARE AND CUSTODY OF A PORTION OF CAMERON SCHOOL CONSERVATION LAND FROM THE CONSERVATION COMMISSION TO THE COUNCIL ON AGING IN THE TOWN OF WESTFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Westford may transfer a certain parcel of land from the care, custody and control of the conservation commission to the council on aging for the expansion of the Cameron Senior Center. Said parcel is shown as Parcel A on a plan of land entitled Plan of Land in Westford, MA. Prepared for Westford Conservation Commission dated August 14, 1991 by Richard L. McGlinchey.

**SECTION 2.** As a condition of the transfer of land authorized in section 1, the board of selectmen of the town of Westford shall transfer to the conservation commission a parcel of land entitled "Plan of Land in Forge Village, Westford, Mass. Belonging to Abbot Worsted Company", dated January 31, 1956 drawn by Frederick Burne and recorded at the Middlesex north district registry of deeds at Book of Plans 87, Plan 59A and the tax possession sale committee of said town shall transfer to the conservation commission a certain parcel of land shown as Lot 1 on a plan of land entitled "Plans of Land in Brookside, Westford, Mass." dated February, 1905 by Smith and Brooks, Civil Engineering and recorded at the Middlesex north district registry of deeds at Book of Plans 21, Plan 49A.

Approved August 8, 2007.

**Chapter 90. AN ACT AUTHORIZING THE TOWN OF TISBURY TO INCUR DEBT FOR THE PURPOSE OF REMOVING OVERHEAD UTILITIES AND REPLACING THE SAME WITH UNDERGROUND FACILITIES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Tisbury may incur debt, outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, for the purpose of removing or causing to be removed poles, overhead wires and associated overhead structures used in connection with the provision of public utilities and which are located upon, along or across public ways within the town and replacing the same with underground facilities. Any debt incurred pursuant to this act shall be repaid over a term of not more than 20 years. Any debt incurred hereunder shall otherwise be subject to said chapter 44.

**SECTION 2.** This act shall take effect upon its passage.

Approved August 14, 2007

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**Chapter 91. AN ACT RELATIVE TO THE REGIONAL SCHOOL BUDGET PROCESS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to streamline the regional school budget process, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 21C of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “expenditures”, in line 124, the following words:- or for the city’s or town’s apportioned share for certain capital outlay expenditures by a regional governmental unit.

**SECTION 2.** Said section 21C of said chapter 59, as so appearing, is hereby further amended by striking out, in line 131, the words “nineteen hundred” and inserting in place thereof the following words:- two thousand.

**SECTION 3.** This act shall take effect for fiscal years beginning on or after July 1, 2007.

Approved August 14, 2007

**Chapter 92. AN ACT ESTABLISHING APPOINTED POSITIONS OF DISTRICT CLERK AND DISTRICT TREASURER FOR THE BERNARDSTON FIRE AND WATER DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 10 of chapter 93 of the acts of 1930 is hereby amended by striking out, in lines 3 to 7, inclusive, the words “a district clerk and a district treasurer, who may be the same person, to hold office until one year from the next succeeding annual meeting, and at each annual meeting after the first, their successors shall be elected by ballot for one year; and there shall also be elected by ballot”.

**SECTION 2.** Said section 10 of said chapter 93 is hereby amended by inserting after the third sentence the following sentence:- The board of water commissioners shall appoint a district clerk and a district treasurer, who may be the same person and who need not be residents of the district. The clerk and treasurer will serve for a term of 1 year and may be reappointed by the commissioners to additional terms.

**SECTION 3.** This act shall not affect the existing terms of a district clerk or district treasurer elected before the effective date of this act. The board of water commissioners shall appoint the successors to those positions when their current elected terms expire.

Approved August 14, 2007



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**Chapter 93. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DONNA TOWNER, AN EMPLOYEE OF THE TRIAL COURT DEPARTMENT.**

*Whereas*, The deferred operation of this act would defeat its purpose, which is to establish forthwith a sick leave bank for Donna Towner, an employee of the trial court department, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Donna Towner, an employee of the trial court department. Any employee of the trial court department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Donna Towner. Whenever Donna Towner terminates employment with the trial court department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court department paid leave bank.

*The foregoing was laid before the Governor on the Sixth day of August, 2007 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.*

**Chapter 94. AN ACT RELATIVE TO THE DISABILITY RETIREMENT OF NEIL SULLIVAN, A FIREFIGHTER FOR THE CITY OF MELROSE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary and in order to promote the public good, the Melrose retirement board shall retire Neil Sullivan, a Melrose firefighter who was seriously injured in the line of duty on August 7, 2005, and, as a result, is totally and permanently incapacitated from continuing to work as a firefighter. In accordance with section 7 of chapter 32 of the General Laws, he will receive benefits funded by the Melrose retirement system, consistent with said chapter 32.

**SECTION 2.** In addition to the retirement benefits available and granted to Neil Sullivan under said section 7 of said chapter 32, the city of Melrose shall grant Neil Sullivan additional retirement benefits, such that he will receive, on a pre-tax basis, additional sums that together with his benefits under said chapter 32 equal his regular rate of compensation which he would have received had he continued in service as a firefighter after August 7, 2005. These additional benefits shall also be funded and administered by the Melrose retirement board, consistent with and subject to said chapter 32, except that sections 8 and 91A of said chapter 32 shall not apply. In addition, upon his retirement, Neil Sullivan shall

receive a lump sum equal to the amount of his credited annuity savings fund in the retirement system of the city.

**SECTION 3.** In the event that Neil Sullivan dies and his wife, Jessica, survives him, she shall be paid the amounts, in the manner and from the sources, as would have been payable to Neil Sullivan under this act. In the event that both Neil Sullivan and his wife, Jessica, die, the payments provided for by this act shall be payable, in equal shares, to each child under the age of 18 years; provided, however, that payments shall continue for the benefit of a child 18 years or older who is physically or mentally incapacitated for work on a permanent basis, or for the benefit of a child under age 22 who is a full time student.

**SECTION 4.** Indemnification for any hospital, medical, and related healthcare expenses arising out of Neil Sullivan's work-related injury shall be administered by the city of Melrose in accordance with sections 100 and 100B of chapter 41 of the General Laws, to the extent applicable.

**SECTION 5.** This act shall take effect upon its passage.

Approved August 22, 2007.

**Chapter 95. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SAVINA J. WHITNEY, AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of social services shall establish a sick leave bank for Savina J. Whitney, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Savina J. Whitney. Whenever Savina J. Whitney terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved August 22, 2007.

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**Chapter 96. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JOHN J. BISH, AN EMPLOYEE OF THE TRIAL COURT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for John J. Bish, an employee of the East Brookfield division of the district court department. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by John J. Bish. Whenever Mr. Bish terminates employment with said department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid leave bank.

Approved August 22, 2007.

**Chapter 97. AN ACT AUTHORIZING THE TOWN OF BELMONT TO ESTABLISH AN OTHER POSTEMPLOYMENT BENEFITS TRUST FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** As used in this act, the following words shall have the following meanings:

“GASB 43 and 45”, Statements 43 and 45 of the Governmental Accounting Standards Board and its successors.

“Other postemployment benefits” or “OPEB”, postemployment benefits other than pensions as that term is defined in GASB 43 and 45 including postemployment healthcare benefits, regardless of the type of plan that provides them, and all postemployment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.

**SECTION 2.** (a) There shall be in the town of Belmont an OPEB Trust Fund, which shall be under the supervision and management of the town’s contributory retirement board established under paragraph (b) of subdivision (4) of section 20 of chapter 32 of the General Laws. The town treasurer shall be the custodian of the OPEB Trust Fund and may employ an outside custodial service.

(b) Beginning in fiscal year 2008, the OPEB Trust Fund shall be credited with all amounts appropriated or otherwise made available by the town for the purposes of meeting

the current and future OPEB costs payable by the town. The OPEB Trust Fund shall be credited with all amounts contributed or otherwise made available by employees of the town for the purpose of meeting future OPEB costs payable by the town. Amounts in the OPEB Trust Fund, including any earnings or interest accruing from the investment of these amounts, shall be expended only for the payment of the costs payable by the town for OPEB in consultation with the town's contributory retirement board. Subject in each instance to the approval of the town's contributory retirement board, the town treasurer shall invest and reinvest the amounts in the OPEB Trust Fund not needed for current disbursement consistent with the prudent investor rule; but no funds shall be invested directly in mortgages or in collateral loans. The OPEB Trust Fund shall be subject to the public employee retirement administration commission's triennial audit.

(c) The board may employ a qualified bank, trust company, corporation, firm or person to advise it on the investment of the OPEB Trust Fund and may pay from the OPEB Trust Fund for the advice and other services determined by the town's contributory retirement board. Procurement for these services shall be subject to the procurement procedures and rules followed by the town's contributory retirement board for services to the town's contributory retirement system.

(d) If a civil action is brought against a member of the retirement board, the defense or settlement of which action is made by an attorney employed by the retirement board, the member shall be indemnified for all expenses incurred in the defense of this action and shall be indemnified for damages to the same extent as provided for public employees in chapter 258 of the General Laws if the claim arose out of acts performed by the member or members while acting within the scope of his official duties, but a member of a retirement board shall not be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member.

**SECTION 3.** (a) An actuary, who shall be a member of the American Academy of Actuaries, shall perform an actuarial valuation of the town's OPEB liabilities and funding schedule, as of January 1, 2006, and no less frequently than every second year thereafter. The determinations shall be made in accordance with generally accepted actuarial standards and shall conform to the requirements of GASB 43 and 45 and the actuary shall make a report of the determinations to the town meeting. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making the determinations, and each report after the first report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for the changes.

(b) Beginning in fiscal year 2008, payments for the purposes of meeting the town's costs of OPEB under this act shall be made from the OPEB Trust Fund. Funds in the OPEB Trust Fund shall be segregated from other funds. Disbursements from the OPEB Trust Fund including earnings or interest accruing from the investment of these amounts may only be made based on sections 1 to 3, inclusive.



**SECTION 4.** This act shall take effect upon its passage.

Approved August 29, 2007.

**Chapter 98. AN ACT AUTHORIZING THE TOWN OF IPSWICH TO GRANT 1  
ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC  
BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ipswich may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Ipswich RE Holdings LLC for the establishment located at 30 South Main street in the town of Ipswich. The license shall be subject to all of said chapter 138 except said section 17.

Notwithstanding any general or special law, rule or regulation to the contrary, the licensing authority of the town of Ipswich shall not approve the transfer of the license to any other location. The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Ipswich. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon its passage.

Approved August 29, 2007.

**Chapter 99. AN ACT VALIDATING THE ACTIONS TAKEN AT THE ANNUAL  
TOWN ELECTION HELD IN THE TOWN OF SOUTHAMPTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 10 of chapter 39 of the General Laws, or of any other general or special law or bylaw to the contrary, the votes taken by the town of Southampton at its May 7, 2007 annual town election and all actions taken pursuant thereto

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are hereby ratified, validated and confirmed, notwithstanding any defect or omission with regard to the warrant for the election.

**SECTION 2.** This act shall take effect upon its passage.

Approved August 29, 2007.

## Chapter 100. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ROSEMARY ROZAK, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Rosemary Rozak, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Rosemary Rozak. Whenever Rosemary Rozak terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved August 29, 2007.

## Chapter 101. AN ACT RELATIVE TO THE SPECIAL ELECTION FOR THE FOURTH MIDDLESEX SENATE DISTRICT.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 26 of chapter 51 of the General Laws, the registrars, for the purpose of registering voters for the special election to fill the senate vacancy in the fourth Middlesex district to be held on December 11, 2007, shall hold such day and evening sessions as the town, by by-law, or the city, by ordinance, shall prescribe and such other sessions at locations as they deem necessary to allow voters to register and they may for such purposes, use mobile registration units; provided, however, that except as provided in sections 34 and 50, registration for such election shall take place no later than eight o'clock in the evening on November 20, 2007.

**SECTION 2.** This act shall take effect upon its passage.

Approved August 29, 2007.

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**Chapter 102. AN ACT INCREASING THE SALARIES OF THE LICENSING BOARD IN THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 291 of the acts of 1906 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 90 of the acts of 1995, and inserting in place thereof the following section:-

Section 2. The annual salary range of the chairman and the members of the board shall be in accordance with the salary schedule set by section 5-5.10 of the city of Boston Code of Ordinances in Category IV A. The secretary of the board shall be paid in accordance with the same salary schedule as the members of the board. The salaries shall be set within the Category IV A range by the mayor of the city of Boston and shall be paid in monthly installments by the city of Boston.

**SECTION 2.** This act shall take effect as of July 1, 2006.

Approved August 29, 2007.

**Chapter 103. AN ACT RELATIVE TO THE PROCEDURES OF TOWN MEETING IN THE TOWN OF BURLINGTON.**

*Be it enacted, etc., as follows:*

Section 12 of chapter 686 of the acts of 1970 is hereby amended by striking out subsection (g), as amended by chapter 469 of the acts of 1986, and inserting in place thereof the following subsection:-

(g) No final vote of any representative town meeting session passing or rejecting a measure under any article in the warrant, except a vote to adjourn, or an authorization to borrow money in anticipation of taxes, an authorization to pay debts and obligations of the town, an appropriation of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws, or the budget of the town as a whole, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of peace, health, safety or convenience of the town, and which is passed by a two-thirds vote of the membership, shall be operative until 14 days after the adoption of such vote.

If, within said 14 days after the vote, a petition signed by not less than 5 per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters at the most recent election, is filed in the office of the selectmen requesting that the question or questions involved in any such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided. The board of registrars shall certify the signatures within 7 days of the filing date. The selectmen shall forthwith after the

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board of registrars certifies that the petition has the requisite number of signatures, call a special election which shall be held within 100 days but no sooner than the earliest date on which the question may appear on the ballot pursuant to section 42C of chapter 54 of the General Laws; provided, however, that if a regular or special town election is to be held within the 100 day period, the selectmen may provide that the question or questions involved be presented to the voters at the same election.

All votes shall be taken by official ballots, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereof, but an action of the representative town meeting shall not be reversed unless 20 per cent of the registered voters of the town shall vote to reverse the vote of the representative town meeting.

The questions so submitted shall be stated on the ballot in substantially the same language and form in which they were stated when presented by the moderator to the representative town meeting as appears from the records of said meeting; provided, however, that if the question as stated by the moderator was lengthy as determined by the board of selectmen in its sole discretion the question may instead be stated in summary form by referring to the action taken by the representative town meeting.

This election shall be held on a Saturday, unless it is to be held in conjunction with another election and the polls shall open not later than 2:00 p.m. and shall be closed not earlier than 8:00 p.m.

If a petition is not filed within 14 days of a final vote of the representative town meeting, it shall then become effective.

Approved August 29, 2007.

## **Chapter 104. AN ACT AUTHORIZING THE TOWN OF NATICK TO BORROW A CERTAIN SUM OF MONEY.**

Notwithstanding any general or special law to the contrary, the town of Natick may borrow a sum of money for the purpose of constructing an additional fire engine bay and associated renovations to fire station 4, or for the purpose of replacing fire station 4, and to impose betterments in connection therewith.

Approved August 29, 2007.

## **Chapter 105. AN ACT FURTHER REGULATING THE PLACEMENT OF CERTAIN CHILDREN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 9 of chapter 28A of the General Laws, as appearing in the 2006



Official Edition, is hereby amended by striking out the definition of "Placement agency" and inserting in place thereof the following definition:-

"Placement agency", a department, agency or institution of the commonwealth, or any political subdivision thereof, or any organization incorporated under the laws of the commonwealth, one of the principal purposes of which is to provide custodial care and social services to children, which receives by agreement with a parent or guardian and under contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age for placement in family foster care or a group care facility. For the purposes of adoption placement, however, a "placement agency" shall be a department, agency or institution of the commonwealth, or any political subdivision thereof, or any organization incorporated under chapter 180, one of the principal purposes of which is to provide custodial care and social services to children, which receives by agreement with a parent or guardian and under contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under the age of 18 years of age for placement in adoption.

**SECTION 2.** Paragraph (a) of section 10 of said chapter 28A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- The office shall issue and may renew a license to a foster care or group home facility organization incorporated under the laws of the commonwealth and which meets applicable standards and requirements to establish and maintain a placement agency for the sole purposes of foster care or group home facility placement. The office shall issue and may renew a license to an adoption organization incorporated under chapter 180 and which meets the applicable standards and requirements to establish and maintain a placement agency for the purpose of adoption placement.

Approved August 29, 2007.

**Chapter 106. AN ACT ESTABLISHING A SICK LEAVE BANK FOR TODD J. MARTINSON, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Todd J. Martinson, an employee of the Monson Development Center in the department of mental retardation. Any

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employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for Todd J. Martinson's use. Whenever Todd J. Martinson terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved September 6, 2007.

### **Chapter 107. AN ACT RELATIVE TO ELECTIONS IN THE CITY OF LOWELL IN 2007.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or the charter of the city of Lowell to the contrary, if upon the expiration of time for the filing of nomination papers for the office of city councillor in said city for the municipal election to be held in 2007, the number of persons so filing is less than 22, there shall be no preliminary election in 2007 for said office and all persons whose nomination papers are duly certified shall be deemed to have been nominated for the office of city councillor in the 2007 municipal election in the city of Lowell.

**SECTION 2.** This act shall take effect upon its passage.

Approved September 6, 2007.

### **Chapter 108. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF FREETOWN AS THE JOSEPH F. SIMMONS, JR. MEMORIAL BRIDGE**

*Be it enacted, etc., as follows:*

The bridge #F-09-010 on North Main street spanning state highway Route 24 in the town of Freetown shall be designated and known as the Joseph F. Simmons, Jr. Memorial Bridge, in memory of Joseph F. Simmons, Jr. who served for many years as the highway supervisor of the town of Freetown. A suitable marker bearing the designation shall be attached by the department of highways in compliance with the standards of the department.

Approved September 6, 2007

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## Chapter 109. AN ACT FURTHER REGULATING ACCESS TO BIRTH CERTIFICATES.

*Be it enacted, etc., as follows:*

**SECTION 1.** Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subclause:-

(q) Adoption contact information and indices therefore of the adoption contact registry established by section 31 of chapter 46.

**SECTION 2.** Chapter 46 of the General Laws is hereby amended by inserting after section 2A the following 2 sections:-

Section 2B. Upon written application, which shall include proof of identity and payment of applicable fees, by an adopted person 18 years of age or older who was born in the commonwealth on or before July 17, 1974 or on or after January 1, 2008 or by an adoptive parent of an adopted person under 18 years of age and born in the commonwealth on or after January 1, 2008, the state registrar shall:-

(a) make available for inspection at the offices of the state registry the birth certificate prior to adoption which indicated the prior legal parent or parents listed on the initial birth certificate or if there has been more than 1 adoption, the birth certificate prior to the first adoption which indicates the parent or parents listed on the birth certificate prior to adoption.

(b) send by certified mail return receipt to the adopted person age 18 or older or to the parents of an adopted person under 18 years of age a photocopy of the contents of the birth record with the following notation on it: "The contents of this birth record are being released under section 2B of chapter 46 of the Massachusetts General Laws or under a court order. This record was amended by adoption. This is not a certified copy of a birth record."

Section 2C. If an adopted person is deceased, his child, if 18 years or older, or such child's parent or guardian if such child is less than 18 years of age, shall be eligible to apply for the information his adopted parent would have access to under section 2B and to participate in the adoption contact information registry pursuant to section 31.

**SECTION 3.** Paragraph (h) of section 13 of said chapter 46, as appearing in the 2006 Official Edition, is hereby amended by striking out the eleventh sentence and inserting in place thereof the following 2 sentences:- If the original record has been amended following adoption in accordance with this section, the clerk or state registrar shall issue information contained in the original record only upon receipt of an order of the probate court for the county in which said adoption was granted or in accordance with section 2B, or in the case of an adoption granted outside the commonwealth, upon order of the probate court for the county in which said birth occurred or in accordance with said section 2B, instructing said clerk or state registrar to release the information contained in such original record. Evidence contained in the adoption record of a parent's willingness to provide information about her identity to the adopted person shall, except in extraordinary circumstances, be considered sufficient evidence to warrant the granting of an order for release of the information contained in the birth certificate registered prior to adoption.

**SECTION 4.** Said chapter 46 is hereby further amended by adding the following section:-

Section 31. The registry of vital records and statistics, subject to appropriation, shall establish and maintain an adoption contact information registry for the purpose of connecting parents listed on the initial birth certificate to any of their children who were adopted by others. The adoption contact registry shall, at minimum, be capable of recording updated address and other information supplied by parents and adoptees needed for one to contact the other.

Registration shall be entirely voluntary and participation may at any time be terminated through proper notification to the registry.

The commonwealth shall make reasonable efforts to inform the public about the existence of this registry.

Approved September 6, 2007.

**Chapter 110. AN ACT RELATIVE TO PAYMENT OF FUNERAL AND BURIAL EXPENSES FOR FIREFIGHTERS AND POLICE OFFICERS KILLED IN PERFORMANCE OF DUTIES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to assist in the payment of burial expenses for firefighters and police officers killed in the performance of their duties, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 100G¼ of chapter 41 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 5, the words “five thousand dollars” and inserting in place thereof the following figure:- \$15,000.

**SECTION 2.** Said section 100G¼ of said chapter 41, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- No payment shall be made under this section in the absence of adequate documentation that such expense has actually been incurred.

**SECTION 3.** This act shall take effect as of August 15, 2007.

Approved September 6, 2007.



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**Chapter 111. AN ACT RELATIVE TO RETIREMENT BENEFITS FOR THOMAS KAMATARIS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, the town of Leominster retirement board shall retire Thomas Kamataris under the terms and conditions of superannuation retirement pursuant to section 5 of chapter 32 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

Approved September 13, 2007.

**Chapter 112. AN ACT DESIGNATING A CERTAIN PARCEL OF LAND IN THE TOWN OF CANTON AS THE CLYDE S. PUSHARD FIELD.**

*Be it enacted, etc., as follows:*

A certain parcel of land in the town of Canton shown as lot 39 on Assessors Map 82, under the care and control of the department of conservation and recreation, shall be designated and known as the Clyde S. Pushard Field, in recognition of the service of Clyde S. Pushard and his support of Canton recreational programs. The department of conservation and recreation shall erect and maintain suitable markers bearing this designation. The department of conservation and recreation may enter into a memorandum of agreement with the town of Canton to facilitate this act.

Approved September 13, 2007.

**Chapter 113. AN ACT AUTHORIZING THE TOWN OF NATICK TO ENTER INTO A CERTAIN LEASE AGREEMENT.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Natick is hereby authorized to enter into a lease agreement for the property at 20 Middlesex avenue for a term not to exceed 99 years for the purpose of construction, operation and management of a facility to provide public parking, residential use or commercial use and parking associated with said residential or commercial use; provided, however, that said lease shall be subject to the provisions of section 16 of chapter 30B of the General Laws.

Approved September 13, 2007.

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**Chapter 114. AN ACT RELATIVE TO BRAIN ANEURYSM AWARENESS MONTH.**

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15BBBBB, as appearing in the 2006 Official Edition, the following section:-

Section 15CCCCC. The governor shall annually issue a proclamation setting apart the month of September as Brain Aneurysm Awareness Month to increase citizens' awareness of a leading cause of death in the United States, in order to lead to better education and thus earlier diagnoses, resulting in a higher chance of long-term survival. The proclamation shall recommend that the month of September be observed in an appropriate manner by the people.

Approved September 13, 2007.

**Chapter 115. AN ACT RELATIVE TO GARAGES IN THE FIRST FIRE ZONE IN THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 3 of chapter 577 of the acts of 1913, as most recently amended by chapter 178 of the acts of 1961, is hereby further amended by striking out, in lines 8 and 9, the words "in effect prior to the amendment of said section" and inserting in place thereof the following words:- that section was amended.

**SECTION 2.** This act shall take effect upon its passage.

Approved September 19, 2007.

**Chapter 116. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MARY HARDIMAN, AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC HEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of public health shall establish a sick leave bank for Mary Hardiman, an employee of the department. Any employee of the department may voluntarily contribute 1

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or more sick, personal or vacation days to the sick leave bank for use by Mary Hardiman. When Mary Hardiman terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved September 26, 2007.

**Chapter 117. AN ACT AUTHORIZING THE SPRINGFIELD WATER AND SEWER COMMISSION TO CONVEY CERTAIN LAND.**

*Be it enacted, etc., as follows:*

The Springfield water and sewer commission may convey a certain parcel of land, located in the town of Blandford and acquired for water supply protection purposes, to the town of Blandford, to be used for historical preservation and open space purposes. Said parcel is shown on a deed of the Dover Realty Trust to the Springfield water and sewer commission, dated June 24, 2002, and recorded in the Hampden county registry of deeds.

Approved September 26, 2007.

**Chapter 118. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KAREN BYRNES, AN EMPLOYEE OF THE DEPARTMENT OF CONSERVATION AND RECREATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of conservation and recreation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the department of conservation and recreation shall establish a sick leave bank for Karen Byrnes, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Karen Byrnes. Whenever Karen Byrnes terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved September 26, 2007.

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**Chapter 119. AN ACT RELATIVE TO THE SCHOOL DEPARTMENT OF THE TOWN OF TEWKSBURY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Tewksbury may defer teachers' summer salaries for fiscal years commencing with fiscal year 2008. The maximum amount to be deferred shall be calculated in accordance with the department of revenue informational guideline releases 91-103, 91-104 and 91-105. In fiscal years beginning July 1, 2009, and each successive year thereafter, the town shall amortize the amount of the teachers' compensation deferred in the fiscal year beginning July 1, 2007, by raising in equal installments in its local budget 1/15th of the deferred amount.

**SECTION 2.** This act shall take effect upon its passage.

*This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives on September 18, 2007, and in concurrence by the Senate on September 20, 2007, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.*

**Chapter 120. AN ACT RELATIVE TO CERTAIN WRITTEN MAJORITY AUTHORIZATION EVIDENCE OF COLLECTIVE BARGAINING RESULTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2 of chapter 150A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection:-

(12) The term "written majority authorization" shall mean writings signed and dated by employees in the form of authorization cards, petitions or such other written evidence that the commission finds suitable, in which a majority of employees in a unit appropriate for the purposes of collective bargaining designates or selects a labor organization as its representative for the purposes of collective bargaining and certifies the designation to be its free act and deed and given without consideration. Employee signatures shall be dated within the 12 months preceding the date on which the writings are proffered to establish majority and exclusive representative status within the meaning of subsection (a) of section 5.

**SECTION 1A.** Section 3 of said chapter 150A, as so appearing, is hereby amended by adding the following sentence:- An employee shall also have the right to refrain from any such activities, except to the extent of making payment of service fees to an exclusive representative.



**SECTION 1B.** Section 4A of said chapter 150A, as so appearing, is hereby amended by inserting after the word “therein”, in line 20, the following words:- ; or

(4) To interfere with, restrain or coerce an employer or employee in the exercise of a right guaranteed under this chapter.

**SECTION 2.** Subsection (c) of section 5 of said chapter 150A, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this section, the commission shall certify to the parties, in writing, and the employer shall recognize as the exclusive representative for the purposes of collective bargaining of all the employees in the bargaining unit, a labor organization which has received a written majority authorization, but this shall apply only when no other labor organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. Whenever a labor organization proffers evidence that it has received a written majority authorization, the labor organization and the employer shall agree upon a neutral to conduct a confidential inspection of the evidence of a written majority authorization. If within 10 days the labor organization and the employer do not agree upon a neutral, the commission shall act as the neutral. The neutral shall verify the labor organization’s majority support within the appropriate bargaining unit and report the results of its inspection in writing to the parties and, if the verification was conducted by an agreed neutral, to the commission, which shall in turn certify the results to the parties in writing. The commission shall establish rules and procedures for the prompt verification of evidence of a written majority authorization, which rules shall include safeguards to protect the privacy of individual employee choice, and which shall further provide that, absent exceptional cause, the verification procedure shall last not longer than 30 days after the appointment of the neutral or after the assumption by the commission of the duties of the neutral. As used in this paragraph, the term “employer” shall not include a health care facility, a nonprofit institution or a vendor who contracts with or receives funds from the commonwealth or a political subdivision thereof to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training or other similar services to the commonwealth or a political subdivision thereof.

**SECTION 3.** Section 1 of chapter 150E of the General Laws, as so appearing, is hereby amended by adding the following definition:-

“Written majority authorization”, writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence that the commission finds suitable, in which a majority of employees in an appropriate bargaining unit designates an employee organization as its representative for the purpose of collective bargaining and certifies the designation to be its free act and deed and given without consideration. Employee signatures shall be dated within the 12 months preceding the date on which the writings are proffered to establish majority and exclusive representative status within the meaning of section 4.

**SECTION 4.** Section 4 of said chapter 150E, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this section, the commission shall certify and the public employer shall recognize as the exclusive representative for the purpose of collective bargaining of all the employees in the bargaining unit an employee organization which has received a written majority authorization, but this shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. Whenever an employee organization proffers evidence that it has received a written majority authorization, the employee organization and the public employer shall agree upon a neutral to conduct a confidential inspection of the evidence of a written majority authorization. If within 10 days the employee organization and the public employer do not agree upon a neutral, the commission shall act as the neutral. The neutral shall verify the employee organization's majority support within the appropriate bargaining unit and report the results of its inspection in writing to the parties and, if the verification was conducted by an agreed neutral, to the commission, which shall in turn certify the results to the parties in writing. The commission shall establish rules and procedures for the prompt verification of evidence of a written majority authorization, which rules shall include safeguards to protect the privacy of individual employee choice, and which shall further provide that, absent exceptional cause, the verification procedure shall not last longer than 30 days after the appointment of the neutral or after the assumption by the commission of the duties of the neutral.

Approved September 27, 2007.

## **Chapter 121. AN ACT AUTHORIZING THE TOWN OF ORLEANS TO LEASE CERTAIN TOWN LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Orleans, acting by and through its board of selectmen and board of water commissioners, is hereby authorized to lease a portion of the town's watershed land for the construction, operation and maintenance of not more than 2 wind turbines and related equipment, together with a grant of rights appurtenant to such lease, on such terms and conditions as the board of selectmen and board of water commissioners deem appropriate. The land to be leased is comprised of 2 parcels constituting approximately 2.58 acres of the watershed land identified as Orleans Assessor's Map 54, Parcel 1, such parcels being more particularly described on a plan entitled "Site Plan – Showing Wind Turbine Sites 1 and 5, prepared for: Town of Orleans, location: Town of Orleans Watershed" by Ryder & Wilcox, Inc. P.E. & P.L.S., 3 Giddiah Hill Road, PO Box 439, South Orleans, MA,

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02662, dated April 5, 2007 Sheets 1, 2, & 3, and each such parcel being more particularly described as follows:-

(a) *Site 1 Parcel*

Commencing at a point located N 68-59-07 W, 745.78 feet from an angle point in the easterly property line of the Orleans Watershed as shown on a plan entitled "Plan of Land, Town of Orleans Watershed, as made for the Orleans Board of Water Commissioners", July 1962, Scale 1 inch = 2000 feet, Arthur L. Sparrow, Co., Engineers, South Orleans, Mass. and on aforementioned Site Plan – Sheet 2;

thence N 72-42-56 W, 225.00 feet by land of the Town of Orleans;

thence N 17-17-04 E, 250.00 feet by land of Town of Orleans;

thence S 72-42-56 E, 225.00 feet by land of Town of Orleans;

thence S 17-17-04 W, 250.00 feet by land of Town of Orleans to the point of beginning;

containing a total lease area of 1.29 Acres more or less (56,250 s.f.+/-).

(b) *Site 2 Parcel*

Commencing at a point located N 69-01-28 W, 976.48 feet from an angle point in the easterly property line of the Orleans watershed as shown on a plan entitled "Plan of Land, Town of Orleans Watershed, as made for the Orleans Board of Water Commissioners", July 1962, Scale 1 inch = 2000 feet, Arthur L. Sparrow, Co., Engineers, South Orleans, Mass. and on aforementioned Site Plan - Sheet 3;

thence N 68-02-49 W, 225.00 feet by land of the Town of Orleans;

thence N 21-57-11 E, 250.00 feet by land of the Town of Orleans;

thence S 68-02-49 E, 225.00 feet by land of the Town of Orleans;

thence S 21-57-11 W, 250.00 feet by land of the Town of Orleans to the point of beginning;

containing a total lease area of 1.29 Acres more or less (52,250 s.f.+/-).

**SECTION 2.** Any lease payments collected by the town of Orleans, pursuant to the lease authorized by section 1, shall be deposited into the town's water reserve account.

**SECTION 3.** This act shall take effect upon its passage.

Approved September 27, 2007.

## **Chapter 122. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2007 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop

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a schedule for transferring not less than \$9,500,000 from the General Fund to the Essential Community Provider Trust Fund established under section 2PPP of chapter 29 of the General Laws. This transfer shall be effective as of June 30, 2007, and all funds made available under this section shall be distributed to hospitals in accordance with subsection (b) of section 1 of chapter 175 of the acts of 2006.

**SECTION 2.** Section 1 shall take effect on June 30, 2007.

**SECTION 3.** This act shall take effect upon its passage.

Approved October 1, 2007.

## **Chapter 123. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ROBERT BOZARJIAN, AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of education, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of education shall establish a sick leave bank for Robert Bozarjian, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Robert Bozarjian. Whenever Robert Bozarjian terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved October 1, 2007.

## **Chapter 124. AN ACT PLACING CERTAIN MEMBERS OF THE FIRE DEPARTMENT OF THE TOWN OF WRENTHAM UNDER THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the positions of regular and permanent member of the fire department, excluding the position of chief of the fire department, in the town of Wrentham shall be subject to chapter 31 of the



General Laws. As of the effective date of this act, the persons now holding the position of full-time firefighter, captain or deputy fire chief of the fire department, excluding the position of chief, shall be tenured employees and subject to said chapter 31.

**SECTION 2.** Firefighter personnel of the Wrentham fire department hired during the 6-month period preceding the effective date of this act shall be included as civil service employees under chapter 31 of the General Laws, subject to any applicable probationary period.

**SECTION 3.** Incumbents of the Wrentham fire department shall not be required to pass a qualifying examination for their current positions but shall be required to pass a competitive examination under chapter 31 of the General Laws to obtain a higher rank.

**SECTION 4.** This act shall take effect upon its passage.

Approved October 1, 2007.

## **Chapter 125. AN ACT PROVIDING FOR THE ELECTION OF CITY COUNCILORS AND SCHOOL COMMITTEE PERSONS WITHIN THE CITY OF SPRINGFIELD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 43 of the General Laws or any other general or special law or rule, regulation or ordinance to the contrary, there shall be 13 city councilors who shall constitute the city council of the city of Springfield, with all the rights, powers and duties vested in and exercised by the council.

Each member shall be elected for a term of 2 years; 5 councilors shall be elected at large by the voters of the city; 1 councilor shall be elected from each of the 8 wards within the city of Springfield, as defined in the ordinances of the city. An individual seeking election as a councilor for a ward shall be a resident of that ward and shall have been a resident of that ward for a period of at least 1 year before the deadline for submission of the individual's nomination papers to the city. The individual's nomination papers shall be signed in the aggregate by not less than 100 registered voters of the ward from which the individual seeks to be elected as councilor. An individual seeking election as a councilor at large shall have been a resident of the city for a period of at least 1 year before the deadline for submission of the individual's nomination papers to the city.

**SECTION 2.** Notwithstanding chapter 43 of the General Laws or any other general or special law or rule, regulation or ordinance to the contrary, the school committee shall consist of 7 members who shall constitute the school committee of the city of Springfield, with all the rights, powers and duties vested in and exercised by the school committee.

The school committee shall consist of the mayor, who shall be the chairman; 2 members elected at large by the voters of the city; and 1 each elected from the following districts

comprised of combined wards within the city of Springfield as defined in the ordinances of the city: wards 1 and 3, wards 4 and 5, wards 6 and 7, and wards 2 and 8. An individual seeking election as a school committee member for a district comprised of combined wards shall be a resident within the district from which the individual seeks to be elected, and shall have been a resident of the district for a period of at least 1 year before the deadline for submission of the individual's nomination papers to the city. The individual's nomination papers shall be signed in the aggregate by not less than 100 registered voters residing in the district formed by the combined wards from which the individual seeks to be elected as school committee member. An at large candidate shall have been a resident of the city for at least 1 year. Each member shall be elected for a term of 4 years.

**SECTION 3.** Notwithstanding any general or special law to the contrary, to ascertain the will of the people of the city of Springfield, the board of election commissioners shall cause the following binding question to be placed on the official ballot to be used in the city at the next regular municipal election to be held on the sixth day of November in the year 2007:-

**THIS QUESTION IS BINDING.**

Shall the city council of the city of Springfield be composed of 13 members; 1 from each of the 8 wards of the city elected by the voters of that ward and 5 to be elected at large by all the voters of the city; shall the school committee of the city of Springfield be composed of 7 members, including the mayor; 1 member from each of the districts formed by the following combined wards: 1 and 3, 4 and 5, 6 and 7, and 2 and 8; and 2 members to be elected at large from all the voters of the city?

**SECTION 4.** If a majority of the voters casting a ballot on this binding question shall vote in the affirmative, sections 1 and 2 of this act shall take effect at the next regular municipal election held in the city of Springfield, but not otherwise. The remaining sections of this act shall take effect upon their passage.

Approved October 1, 2007.

**Chapter 126. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DEBORAH KING, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

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## Chap. 126

Notwithstanding any general or special law, rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Deborah King, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Deborah King. Whenever Deborah King terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.

Approved October 5, 2007.

### **Chapter 127. AN ACT AUTHORIZING THE APPOINTMENT OF JONATHAN M. ROBERTSON AS A FIREFIGHTER IN THE TOWN OF MILFORD NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the personnel administrator of the human resources division shall certify Jonathan M. Robertson to be eligible for original appointment to the position of firefighter in the town of Milford according to the grade he received on the examination for firefighter held in June of 2006, notwithstanding the maximum age requirement for the position. If Jonathan M. Robertson meets all other requirements for certification as a firefighter, the town of Milford may appoint him.

**SECTION 2.** This act shall take effect upon its passage.

Approved October 5, 2007.

### **Chapter 128. AN ACT AUTHORIZING THE TOWN OF AUBURN TO ESTABLISH AN AUBURN HIGH SCHOOL GYMNASIUM HEALTH AND RECREATION TRUST FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Auburn may establish and maintain a special account known as the Auburn High School Gymnasium Health and Recreation Trust Fund and may raise and appropriate money therefore.

**SECTION 2.** The fund shall be maintained by the town of Auburn as a separate account. The treasurer of the town may invest the funds in the separate account in the manner

authorized by sections 55 and 55B of chapter 44 of the General Laws. The interest earned on the fund shall be credited to and become part of the separate account.

**SECTION 3.** The town of Auburn shall appropriate by majority vote at its annual town meeting the interest earned by the fund solely for the purpose of offsetting school department costs in support of community health and recreational activities at the Auburn high school gymnasium and related recreational facilities and equipment.

**SECTION 4.** This act shall take effect upon its passage.

Approved October 5, 2007.

## **Chapter 129. AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF MERRIMAC.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Any holder of an elective office in the town of Merrimac may be recalled from that office by the registered voters of the town as provided in this act, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

**SECTION 2.** Four hundred registered voters of the town may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the voters copies of printed form petition blanks addressed to the board of selectmen demanding the recall. The blanks shall be issued under the signature and official seal of the town clerk. The blanks shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 30 days after the filing of the affidavit, with signatures, names and street addresses of at least 20 per cent of the registered voters of the town. Within 5 working days of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

**SECTION 3.** If the petition shall be certified by the registrars of voters to contain at least 20 per cent of the qualified registered voters and if the petition shall be found by the town clerk to be sufficient, the town clerk shall submit the petition and the registrar's certificate to the board of selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 calendar days after delivery of the notice, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than



64 nor more than 90 days thereafter. If any other town election is scheduled to occur within 100 days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

**SECTION 4.** An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy, and unless the officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the law relating to elections, unless otherwise provided in this section.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If the incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall be deemed removed and the office vacant.

**SECTION 6.** Ballots used in a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer) { }

Against the recall of (name of officer) { }

Immediately to the right of each proposition there shall be a designated place for voters to vote for either of the propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this, the names of candidates nominated as provided in this act.

If a majority of votes on the question is against the recall, the ballots for candidates need not be counted or any action taken relative to the ballots. If a majority of the votes cast on the question of recall is in favor of the recall, the officer shall be recalled and the ballots for candidates shall be counted. The candidate receiving the highest number of votes shall be declared elected.

**SECTION 7.** A recall petition shall not be filed against an officer within 3 months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters of the town.

**SECTION 8.** A person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall not be appointed to any town office within 2 years after the recall or resignation.

Approved October 5, 2007.

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## **Chapter 130. AN ACT ESTABLISHING AN ELECTRONIC HEALTH RECORDS TASK FORCE IN THE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith establish an electronic health records task force in the office of health and human services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

(a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish an electronic health records system task force to make recommendations to the secretary of health and human services with respect to an electronic health records system for children in foster care, individuals and dependents enrolled in the MassHealth and SCHIP programs, and individuals and dependents enrolled in commonwealth care or safety net care programs.

(b) The task force shall consist of not more than 9 members, appointed by the secretary of health and human services, who shall represent entities with expertise in developing or implementing electronic health records including, but not limited to, the United States Veterans Administration facilities in the commonwealth, multi-facility hospital systems in the commonwealth, the University of Massachusetts medical school, the e-Rx Collaborative, MA-SHARE, the Massachusetts Health Data Consortium, the Massachusetts e-Health Collaborative, and MassPro, the commonwealth's federally designated Quality Improvement Organization. The chief information officer for the executive office of health and human services shall serve as coordinator of the task force. The task force shall also consist of 2 members of the senate to be appointed by the president of the senate and 1 member of the senate to be appointed by the minority leader of the senate, 2 members of the house of representatives to be appointed by the speaker of the house and 1 member of the house of representatives to be appointed by the minority leader of the house of representatives, the commissioner of insurance, the commissioner of medical assistance, the commissioner of social services, the commissioner of health care finance and policy, the executive director of the Betsy Lehman Center for Patient Safety, and the executive director of the commonwealth connector shall serve as ex officio, nonvoting members of the task force.

(c) The task force shall: (1) study the advisability of an electronic health records system that provides linkages between multiple settings including, but not limited to, the MassHealth and SCHIP programs, programs administered by the commonwealth connector and programs serving children in foster care, that utilize health records and that is consistent with requirements for community health records and electronic prescribing; (2) evaluate the economic model and the anticipated benefits of electronic health records; and (3) make a recommendation by December 31, 2008, to the secretary of health and human services as to the advisability and feasibility of an electronic health records system.

Approved October 10, 2007.

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**Chapter 131. AN ACT ESTABLISHING A SICK LEAVE BANK FOR COLLEEN HANNON, AN EMPLOYEE OF THE TRIAL COURT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Colleen Hannon, an employee of the Middlesex county division of the juvenile court department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Colleen Hannon. When Colleen Hannon terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank.

Approved October 10, 2007.

**Chapter 132. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO GRANT 12 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Foxborough may grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, subject to the conditions set forth in this act.

(b) The board of selectmen shall restrict the licenses authorized in this act to business entities located within the site containing a development to be known as Patriot Place, in the Economic Development Area Overlay District, as more particularly shown on a plan which is on file with the board of selectmen hereinafter referred to as the site.

(c) Notwithstanding section 12 of chapter 138 of the General Laws, the additional licenses authorized in this act shall be subject to an original license fee of \$5,000 in addition to the annual fee for existing all alcoholic beverages licenses or wines and malt beverages licenses in the town of Foxborough, such fee to be due and payable upon the original granting of any such license and also upon the reissuance of any such license pursuant to this act. Said additional \$5,000 fee shall be deposited into an economic development account of the town and expended consistently with the purposes of such account.

(d) Prior to the granting of a license pursuant to this act, the board of selectmen shall determine whether an applicant or licensee meets the criteria set forth in this act and with the

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rules and regulations governing the granting of alcoholic beverages licenses promulgated by the board of selectmen from time to time and all other applicable laws.

Notwithstanding any general or special law or rule or regulation to the contrary, the board of selectmen shall not approve the transfer of any license granted by this act to any other location outside of the Site. Said license may be granted by the board of selectmen at the same location if an applicant for said license files with said authority a letter in writing from the department of revenue indicating that said license is in good standing with said department and that any and all applicable taxes have been paid.

(e) If a license granted under this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the board of selectmen. The board of selectmen may then grant that license to a new applicant who meets the criteria set forth in this act and whose business is located within the site, and subject to the payment of the reissuance fee of \$5,000 under the same conditions as set forth in this act.

**SECTION 2.** This act shall take effect upon its passage.

Approved October 10, 2007.

### **Chapter 133. AN ACT AUTHORIZING THE APPOINTMENT OF ANTONIO F. DINIS AS A POLICE OFFICER IN THE TOWN OF MILFORD NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the personnel administrator of the human resources division shall certify Antonio F. Dinis to be eligible for original appointment to the position of police officer in the town of Milford according to the grade he received on the examination for police officer held in April of 2007, notwithstanding the maximum age requirement for the position. If Antonio F. Dinis meets all other requirements for certification as a police officer, the town of Milford may appoint him.

**SECTION 2.** This act shall take effect upon its passage.

Approved October 10, 2007.



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**Chapter 134. AN ACT DESIGNATING A CERTAIN LANDING IN THE TOWN OF WINTHROP AS THE CHARLES J. FAMOLARE LANDING.**

*Be it enacted, etc., as follows:*

The Town Landing located in the town of Winthrop shall be designated and known as the Charles J. Famolare Landing, in memory of Charles J. Famolare, a former harbormaster in the town of Winthrop. The department of conservation and recreation shall erect and maintain suitable markers bearing said designation in compliance with the standards of said department.

Approved October 11, 2007.

**Chapter 135. AN ACT RELATIVE TO CIVIL SERVICE PREFERENCE FOR A FIREFIGHTER IN THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, the sons of William Hayhurst, a deceased firefighter in the city of Boston, shall be eligible for original appointment to the Boston fire department and shall be considered survivors under section 26 of chapter 31 of the General Laws. In order to have their names so certified, said descendants must first pass the written and physical examinations required of all candidates for entrance to the fire service.

**SECTION 2.** This act shall take effect upon its passage.

*The foregoing was laid before the Governor on the first day of October, 2007 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.*

**Chapter 136. AN ACT AUTHORIZING THE APPOINTMENT OF ALCINO FERNANDES AS A POLICE OFFICER IN THE TOWN OF MILFORD NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the personnel administrator of the human resources division shall certify Alcino Fernandes to be eligible for original appointment to the position of police officer in the town of Milford according to the grade he received on the examination for police officer held in April of 2007, notwithstanding the maximum age requirement for the position. If Alcino Fernandes

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meets all other requirements for certification as a police officer, the town of Milford may appoint him.

**SECTION 2.** This act shall take effect upon its passage.

Approved October 18, 2007.

**Chapter 137. AN ACT RELATIVE TO RESIDENCY REQUIREMENTS FOR  
REGULAR FIRE AND POLICE OFFICERS IN THE TOWN OF  
BOXBOROUGH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 99A of chapter 41 of the General Laws, or any other general or special law to the contrary, any member of the regular police or fire department working in the town of Boxborough appointed subsequent to August 1, 1978 shall reside within 40 miles of the limits of the town. This distance shall be measured from the closest border limits of the town to the closest border limits of the city or town in which the member lives.

**SECTION 2.** This act shall take effect upon its passage.

Approved October 18, 2007.

**Chapter 138. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF  
WELLESLEY AS STATE SENATOR DAVID H. LOCKE BRIDGE.**

*Be it enacted, etc., as follows:*

The bridge No. W-13-014 on Route 16 on Washington Street, spanning Route 9 in the town of Wellesley shall be designated and known as the State Senator David H. Locke Bridge. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved October 18, 2007.

**Chapter 139. AN ACT RELATIVE TO THE WESTFIELD MUNICIPAL LIGHT  
BOARD IN THE CITY OF WESTFIELD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 408 of the acts of 1980 or any other general

or special law or ordinance of the city of Westfield to the contrary, the municipal light board of the city of Westfield shall consist of 1 member from each ward of the city to be elected for a term of 2 years at the annual city election in 2007 and at each biennial city election thereafter and 1 member appointed by the mayor, subject to city council confirmation, for a term of 2 years. The first appointed member shall take office concurrently with the board members elected in the 2007 city election or as soon as possible thereafter, and shall hold office until the second Wednesday of January, 2010, or until a successor is duly appointed and qualified. A vacancy of a member elected to the board by a ward shall be filled by the municipal light board and the city council in the same manner that a vacancy on the school committee is filled in accordance with city charter. A member so elected shall serve until the members of the board elected as a result of the next city election are sworn into office.

**SECTION 2.** Notwithstanding chapter 294 of the acts of 1920 or any other general or special law or ordinance of the city of Westfield to the contrary, to the extent that remuneration is provided to board members for service on the board, all elected or appointed members shall receive, from the available funds of the Westfield Gas and Electric Light Department, the same monetary compensation and shall be allowed access to the same benefits on the same terms.

**SECTION 3.** Notwithstanding chapter 294 of the acts of 1920 or any other general or special law or ordinance of the city of Westfield to the contrary, the decisions and actions of the municipal light board following the enlargement of the board to 6 members as a result of the city election in the year 2003 shall not be subject to challenge due to the numbers of board members or the method of selection of board members and the decisions or actions of the board otherwise lawful and within the authority of a municipal light board as provided in the General Laws after the 2003 city election which are hereby ratified, validated and confirmed. The board, as presently elected and constituted is hereby empowered to exercise all power and authority of a municipal light board as allowed by city charter and the General Laws.

Approved October 18, 2007.

**Chapter 140. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2007 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2007 and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2007, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

Notwithstanding any general or special law to the contrary, appropriations made in this act shall not revert and shall be available for expenditure until June 30, 2008. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**

**JUDICIARY**

*Committee for Public Counsel Services*

0321-1510 ..... \$19,962,716

**DISTRICT ATTORNEYS**

*Suffolk District Attorney*

0340-0100 ..... \$44,849

*Northern District Attorney*

0340-0200 ..... \$44,849

0340-0201 ..... \$28,000

*Eastern District Attorney*

0340-0300 ..... \$44,849

0340-0301 ..... \$50,000

*Middle District Attorney*

0340-0400 ..... \$489,826

0340-0401 ..... \$11,079

*Hampden District Attorney*

0340-0500 ..... \$44,849

0340-0501 ..... \$75,454



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**Chap. 140***Northwestern District Attorney*

0340-0600 .....	\$44,849
0340-0601 .....	\$20,000

*Norfolk District Attorney*

0340-0700 .....	\$44,849
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*Plymouth District Attorney*

0340-0800 .....	\$549,501
0340-0801 .....	\$42,900

*Bristol District Attorney*

0340-0900 .....	\$265,221
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*Cape and Islands District Attorney*

0340-1000 .....	\$44,849
0340-1001 .....	\$56,527

*Berkshire District Attorney*

0340-1100 .....	\$44,849
0340-1101 .....	\$92,500

**SECRETARY OF THE COMMONWEALTH***Office of the Secretary of the Commonwealth*

0521-0000 .....	\$311,259
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**TREASURER AND RECEIVER-GENERAL***Office of the Treasurer and Receiver General*

0610-0050 .....	\$400,000
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**OFFICE OF THE STATE COMPTROLLER***Office of the State Comptroller*

1599-3384 .....	\$5,180,000
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**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE***Department of Revenue*

1232-0100 .....	\$8,702,000
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*Human Resources Division*

1750-0300 .....	\$474,317
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**Chap. 140***Information Technology Division*

1790-0100 ..... \$344,640

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS***Department of Fish and Game*

2300-0100 ..... \$684,194

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES***Office of the Secretary of Health and Human Services*

4000-0500 ..... \$16,034,434

*Massachusetts Rehabilitation Commission*

4120-2000 ..... \$2,893,000

**DEPARTMENT OF EARLY EDUCATION AND CARE***Department of Early Education and Care*

3000-6050 ..... \$600,000

*Board of Library Commissioners*

7000-9401 ..... \$385,710

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT***Department of Housing and Community Development*

7004-0099 ..... \$600,000

7004-9005 ..... \$5,027,654

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY***Military Division*

8700-0001 ..... \$272,000

*Sheriffs*

8910-0110 ..... \$250,000

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds. Notwithstanding any general or special law to

the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**EXECUTIVE OFFICE**

*Office of the Governor*

0411-1003 For costs associated with maintaining and enhancing the commonwealth’s Washington, DC office for the purpose of better coordinating all activities and programs that receive or may potentially receive federal funds or are regulated by federal agencies ..... \$453,292

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Office of the Secretary of Administration and Finance*

1100-1200 For the executive office for administration and finance to carry out expanded responsibilities associated with an analysis of the commonwealth’s capital planning, the development of performance budgeting, and improving the efficiency of state government ..... \$500,000

1599-0053 For a special commission established by executive order that will prepare a 10-year strategic plan for the systemic reform of public education in the commonwealth ..... \$200,000

1599-4231 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the

	amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$15,920,000
1599-4232	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees (Unit 2), and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that in order to implement articles 19 and 25 of the agreement, \$195,000 shall be available through June 30, 2009 .....	\$10,716,559
1599-4233	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 509 (Units 8 and 10), and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then	



in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that in order to implement articles 19 and 23A of the agreement, \$296,255 shall be available through June 30, 2009 ..... \$29,501,423

1599-4234 For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Correction Officers Federated Union (Unit 4), and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$50,234,843

1599-4235 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists (Unit 9), and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be

covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that in order to implement article 23A of the agreement, \$20,000 shall be available through June 30, 2009 ..... \$5,646,168

1599-4236 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff's department and the International Brotherhood of Correctional Officers, Local R1-297, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$214,827

1599-4237 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff's department and the Berkshire County Sheriff's Office

Employees' Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$138,739

1599-4238 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Franklin sheriff's department and the International Brotherhood of Teamsters, Local 404, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$139,220

1599-4239 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Franklin sheriff's

department and the Non-Unit Employees Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$251,580

1599-4240 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Essex sheriff's department and the International Brotherhood of Correctional Officers, Local R1-27, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$257,706

1599-4241 For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by



	the collective bargaining agreement between the Essex sheriff's department and the Essex County Correctional Officers Association, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$1,205,169
1599-4242 For	a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden sheriff's department and the International Brotherhood of Correctional Officers, Local 248, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$580,214

- 1599-4243 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden sheriff's department and the Hampden County Superior Correctional Officers Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$130,095
- 1599-4244 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden sheriff's department and the Non-Uniformed Correctional Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose,

	in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$660,877
1599-4245 For	a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the United Food & Commercial Workers, Local 1459, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$132,582
1599-4246 For	a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the Senior Correctional Officers Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year	

	2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$48,426
1599-4247	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the Non-Uniform Correctional Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$66,174
1599-4248	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff's department and the Sheriff's Office Treatment Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary	



	may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$28,709
1599-4249	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Essex sheriff's department and the International Brotherhood of Correctional Officers, Local R1-71, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$50,364
1599-4250	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 888, at the Middle, North, and South Berkshire registry of deeds, the American Federation of State, County and Municipal Employees, Council 93, Local 653, at the Essex North and South registry of deeds, the American Federation of State, County and Municipal Employees, Council 93, Local 414, at the Middlesex South registry of deeds, the Office and Professional Employees International Union, Local 6, at the Middlesex South registry of deeds, the Office and Profession-	

al Employees International Union, Local 6, at the Middlesex North registry of deeds, the Office and Professional Employees International Union, Local 6, at the Hampden registry of deeds, the Service Employees International Union, Local 888, at the Suffolk registry of deeds, the Service Employees International Union, Local 888, at the Worcester North registry of deeds, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$246,708

1599-4251 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Norfolk sheriff's office and the County Correctional Officer's Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the

	amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$356,720
1599-7050	For the purposes of initial administrative and program expenses associated with the settlement agreement in the case of Rosie D. et al v. Romney, civil action No. 01-30199-MAP, entered into by MassHealth, the executive office of health and human services, the department of mental health, the department of youth services, and the department of social services; provided, however, that the executive office of health and human services shall submit to the executive office for administration and finance and to the house and senate committees on ways and means, not later than November 17, 2007, a report detailing the implementation of the settlement agreement, dated August 29, 2006, and entered into by the parties of said Rosie D. et al v. Romney, filed in the United States District Court in order to provide community-based services to children suffering from severe emotional disturbances, which shall include a schedule detailing the commencement of services and the cost to implement the settlement by service type .....	\$7,797,429
1599-8700	For a reserve to the town of Southbridge for a one-time payment related to the purchase of an armory .....	\$737,000
1599-8900	For a reserve for mental health costs at the department of corrections relating to the Hayes report on inmate suicide prevention and other corrective action recommendations .....	\$6,906,646

*Human Resources Division*

1750-0202	For one-time costs in carrying out the settlement agreement in Jacob Bradley v. City of Lynn, including establishing 2 additional firefighter physical abilities testing sites and converting the firefighter physical abilities test to a weighted and graded exam system .....	\$350,000
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**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Office of the Secretary of Health and Human Services*

4000-0050	For the Personal Care Attendant quality home care workforce council established under section 29 of chapter 118G of the General Laws .....	\$852,113
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*Department of Transitional Assistance*

4401-1100 The department of transitional assistance may expend not more than \$7,400,000 from revenue received from the United States Department of Agriculture for food stamp outreach and employment and training programs and any enhanced funding or bonuses; provided, that the department may expend such revenue for employment and training services provided to recipients of transitional aid to families with dependent children ..... \$2,400,000

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

*Department of Public Utilities*

7006-0090 The department of telecommunications and energy may expend revenues collected up to \$375,000 for the operation of the energy facilities siting board ..... \$300,000

**DEPARTMENT OF EDUCATION**

*Department of Education*

7061-9608 For the costs associated with implementing a survey of all teachers in Massachusetts public schools to solicit their views regarding the environment for teaching and learning, including but not limited to facilities, resources, leadership, professional development, time, empowerment and other factors relevant to the quality of teaching and learning as well as the support and retention of teachers ..... \$200,000

**BOARD OF HIGHER EDUCATION**

7066-0115 For the purposes of implementing section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth's public institutions of higher education for the endowments and capital outlay programs of those institutions; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; provided further, that the board of higher education shall implement this program in a manner which ensures that each institution shall have an equal opportunity to secure matching funds from this item; provided further, that \$7,000,000 shall be allocated to University of Massachu-



setts campuses; provided further, that \$3,000,000 shall be allocated to state college campuses; provided further, that \$3,000,000 shall be allocated to community college campuses; provided further, that if any funds allocated herein for disbursement to state and community college campuses shall be unused, the remaining funds shall be made available to University of Massachusetts' campuses ..... \$13,000,000

**SECTION 2B.** To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2007, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2008. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**  
*Department of State Police*

8100-0002 ..... \$376,460

**SECTION 2C.I.** For the purpose of making available in fiscal year 2008 balances of appropriations which otherwise would revert on June 30, 2007, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, and the unexpended balance of all appropriations in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2007; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of the general appropriation act; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for these purposes.

**JUDICIARY**

*Committee for Public Counsel Services*

0321-1513 ..... \$375,000

**SECRETARY OF THE COMMONWEALTH**

*Office of the Secretary of the Commonwealth*

0511-0260 ..... \$747,905

0540-2500 ..... \$1,533,112

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Office of the Secretary of Administration and Finance*

1100-1100 ..... \$150,000

1100-1560 ..... \$1,000,000

1599-2006 ..... \$5,137,981

1599-2040 ..... \$1,056,000

1599-3859 ..... \$4,240,168

1599-4200 ..... \$11,000

1599-4201 ..... \$15,000

1599-6901 ..... \$651,385

*Department of Veterans' Services*

1410-0010 ..... \$25,744

1410-0251 ..... \$278,000

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

*Office of the Secretary of Energy and Environmental Affairs*

2000-0100 ..... \$520,000

2000-9900 ..... \$250,000

2030-1000 ..... \$80,000

*Department of Fish and Game*

2300-0100 ..... \$50,000

*Department of Agricultural Resources*

2511-0100 ..... \$426,545

*Department of Conservation and Recreation*

2800-0100 ..... \$30,000

2800-0101 ..... \$125,000

**Chap. 140**

2810-0100 .....	\$381,389
2820-0100 .....	\$270,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**  
*Division of Health Care Finance and Policy*

4100-0060 .....	\$396,000
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*Department of Transitional Assistance*

4400-1001 .....	\$700,000
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*Department of Public Health*

4512-0500 .....	\$252,000
4570-1502 .....	\$185,000

*Department of Social Services*

4800-0015 .....	\$600,000
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**EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**  
*Office of the Secretary of Transportation and Public Works*

6000-0300 .....	\$8,000,000
6010-0001 .....	\$55,000

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT**  
*Office of the Secretary of Housing and Economic Development*

7002-0013 .....	\$1,240,370
7002-0045 .....	\$103,700

*Department of Housing and Community Development*

7004-0099 .....	\$905,565
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*Division of Banks*

7006-0010 .....	\$100,000
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*Business and Technology*

7007-0300 .....	\$370,000
7007-0900 .....	\$2,995,428

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT**  
*Department of Workforce Development*

7002-0100 .....	\$500,000
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**Chap. 140**

7003-0701 ..... \$18,000,000

**DEPARTMENT OF EDUCATION**

*Department of Education*

7027-0016 ..... \$1,350,000  
7030-1002 ..... \$400,000  
7035-0006 ..... \$400,000  
7061-0012 ..... \$25,000

**BOARD OF HIGHER EDUCATION**

*Board of Higher Education*

7070-0065 ..... \$437,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Office of the Secretary of Public Safety and Security*

8000-0000 ..... \$300,000  
8000-0036 ..... \$4,768,797  
8000-0038 ..... \$250,000

*Massachusetts Emergency Management Agency*

8800-0400 ..... \$150,000

**SECTION 2C.II.** For the purpose of making available in fiscal year 2008 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2007, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of the general appropriation act for fiscal year 2007; provided, however, that for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A, or 2B or in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2 or 2B of the general appropriation act; however, for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2, 2A, or 2B or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any amounts available for those purposes.

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Transitional Assistance*

4401-1100 ..... \$3,500,000



**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

*Department of Public Utilities*

7006-0090 ..... \$375,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Municipal Police Training Committee*

8200-0222 ..... \$85,680

*Department of Public Safety*

8315-1020 ..... \$79,004

**SECTION 3.** Chapter 6 of the General Laws is hereby amended by striking out section 1, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 1. The governor shall receive a salary of \$140,535, and an additional amount to be calculated by applying the adjustment percentage most recently ascertained by the governor pursuant to Article CXVIII of the Articles of Amendment to the Constitution to the preceding figure.

**SECTION 4.** Section 2 of said chapter 6, as so appearing, is hereby amended by inserting after the figure “\$124,920”, in line 1, the following words:- and an additional amount to be calculated by applying the adjustment percentage most recently ascertained by the governor pursuant to Article CXVIII of the Articles of Amendment to the Constitution to the preceding figure.

**SECTION 5.** Said chapter 6 is hereby further amended by striking out section 162, as so appearing, and inserting in place thereof the following section:-

Section 162. There shall be an advisory board on compensation of officials, consisting of 5 members appointed by the governor. The board shall study the adequacy of compensation of officials and shall submit a report, including recommendations, to the general court the results of its study and its recommendations, if any, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December of each odd-numbered year. Members of the board shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

**SECTION 6.** Section 8 of chapter 7A of the General Laws, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The comptroller shall set late charges and flat fees in accordance with section 29H of chapter 29.

**SECTION 7.** Subsection (a) of section 18 of said chapter 7A, as so appearing, is hereby amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) that the comptroller may establish late charges and flat fees as provided in section 29H of chapter 29 and retain and expend them, without further appropriation, in consultation with the information technology division of the executive office for administration and finance, for the costs of electronic revenue collection options, including those under clause (4), that increase revenue and debt collection within the commonwealth.

**SECTION 8.** Section 1 of chapter 9 of the General Laws, as so appearing, is hereby amended by inserting after the figure “\$124,920”, in line 8, the following words:- , and an additional amount to be calculated by applying the adjustment percentage most recently ascertained by the governor pursuant to Article CXVIII of the Articles of Amendment to the Constitution to the preceding figure.

**SECTION 9.** Section 1 of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the figure “\$124,920”, in line 3, the following words:- , and an additional amount to be calculated by applying the adjustment percentage most recently ascertained by the governor pursuant to Article CXVIII of the Articles of Amendment to the Constitution to the preceding figure.

**SECTION 10.** Said chapter 10 of the General Laws is hereby further amended by inserting after section 35EE the following section:-

Section 35FF. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Alternative and Clean Energy Investment Trust Fund, hereinafter in this section referred to as the fund. The treasurer shall hold the fund in an account separate from other funds or accounts. There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited thereto. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

**SECTION 11.** Section 63 of said chapter 10, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 6 to 8, inclusive, the words “and (iii) for the period covering July 1, 2005 to June 30, 2008, excess registry fees not required for the purposes of clauses (i) and (ii)” and inserting in place thereof the following words:- (iii) the principal and interest expenses on bonds or notes issued after July 1, 2007 to pay costs of these projects; (iv) payments or credits to the federal government to reimburse it for any costs of the Central Artery/ Ted Williams Tunnel Project paid by the federal government for which it is entitled to reimbursement from amounts received and deposited in the fund; and (v) for the period covering July 1, 2005 to June 30, 2009, excess registry fees not required for the purposes of clauses (i), (ii), (iii) and (iv).

**SECTION 12.** Section 1 of chapter 11 of the General Laws, as so appearing, is hereby amended by inserting after the word “and”, in line 4, the following words:- an additional amount to be calculated by applying the adjustment percentage most recently ascertained by

the governor pursuant to Article CXVIII of the Articles of Amendment to the Constitution to the preceding figure and the state auditor.

**SECTION 13.** Section 1 of chapter 12 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “\$127,523. He” and inserting in place thereof the following words:- \$127,523, and an additional amount to be calculated by applying the adjustment percentage most recently ascertained by the governor pursuant to Article CXVIII of the Articles of Amendment to the Constitution to the preceding figure. The attorney general.

**SECTION 14.** Section 15 of said chapter 12, as so appearing, is hereby amended by striking out, in line 4, the figure “\$117,499” and inserting in place thereof the following figure:- \$144,508.

**SECTION 15.** Said section 15 of said chapter 12, as so appearing, is hereby further amended by striking out the figure “\$144,508”, inserted by section 14, and inserting in place thereof the following figure:- \$148,843.

**SECTION 16.** Section 27 of chapter 23B of the General Laws, as so appearing, is hereby amended by striking out, in lines 45 to 48, inclusive, the words “such repayment proceeds shall be used for the benefit of low and moderate income tenants pursuant to this program; and provided, further, that MHFA shall not waive any loan in whole or in part” and inserting in place thereof the following words:- MHFA shall not waive any loan in whole or in part. The repayment proceeds shall be used by the MHFA for the benefit of low and moderate income households under this program and through the transfer of these repayments to the department, to be used under the direction of the undersecretary for housing and community development in support of the following: (i) payments to cities and towns pursuant to section 9 of chapter 40R; (ii) technical assistance to cities and towns engaged in comprehensive planning related to the development of affordable housing plans; and (iii) efforts to develop housing in collaboration with employers. The transfer of repayment proceeds shall occur annually commencing with an initial transfer of not more than \$15,000,000.

**SECTION 17.** Chapter 29 of the General Laws is hereby amended by striking out section 29H, as so appearing, and inserting in place thereof the following section:-

Section 29H. (a) Except as otherwise provided by law, the comptroller may assess late charge rates, in addition to any other late fees or interest provided by law, against any person, entity or contractor owing an overdue payment to the commonwealth, or to a city, town housing or other authority or entity as provided under section 8 of chapter 7A, subject to the following provisions:-

(1) that the required payment date shall be the date on which payment is due under the laws, rules or regulations administered by the comptroller or other entity authorized to charge a late fee or interest; and

(2) that notice of intent to assess and collect late charges through debt collection, intercept, or other legal process shall be provided to the debtor prior to collection.



(b) The comptroller may adopt rules and regulations to implement this section.

(c) The comptroller shall deposit all late fees and interest that the comptroller collects on behalf of the commonwealth in the revenue account that pertains to the original accounts receivable, and shall retain and expend all other late charges assessed under this section without further appropriation, in consultation with the information technology division of the executive office for administration and finance, for the costs of electronic revenue collection options, including intercept, that increase revenue and debt collection within the commonwealth.

(d) The comptroller shall include in the annual financial report a summary report on any late charges collected under this section during the preceding fiscal year. The report shall include the number, amounts, and frequency of late charges collected, summarized by state agency and secretariat, where applicable.

**SECTION 18.** The sixth paragraph of section 49 of said chapter 29, as so appearing, is hereby amended by adding the following sentence:- In lieu of allocating proceeds in accordance with clause (ii), the state treasurer may allocate proceeds of the issue to expenditures incurred under 1 or more bond authorization acts not specified at the time of issuance, including without limitation bond authorization acts enacted after the time of issuance, so long as the term limitations contained in the substituted bond authorization acts and the related term recommendations of the governor are not inconsistent with the term of the consolidated issue.

**SECTION 19.** Section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words “at a polling place at a primary or election” and inserting in place thereof the following words:- relating to a state or municipal election.

**SECTION 20.** Section 6A of chapter 40J of the General Laws is hereby amended by striking out, in line 69, as so appearing, the words “science and technologies” and inserting in place thereof the following words:- economic development and emerging technologies.

**SECTION 21.** Section 2 of chapter 81A of the General Laws, as so appearing, is hereby amended by striking out, in line 87, the words “exceed the salary of the commissioner of highways” and inserting in place thereof the following words:- be less than \$160,000 and shall not exceed \$190,000, exclusive of benefits.

**SECTION 22.** Chapter 200A of the General Laws is hereby amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. If during any session of the legislature there are insufficient funds in the Abandoned Property Fund to pay all the claims which have been allowed by the state treasurer or ordered to be paid by the court, the treasurer may incur expenses and the comptroller may certify for payment expenses incurred in anticipation of revenues to be received during the fiscal year.



**SECTION 23.** Section 9 of chapter 125 of the acts of 2000 is hereby amended by striking out, in line 6, the word "July 31, 2008" and inserting in place thereof the following word:- June 30, 2009.

**SECTION 24.** Section 2E of chapter 352 of the acts of 2004 is hereby amended by striking out item 2800-0105 and inserting in place thereof the following item:—  
2800-0105 For repairs to the department of conservation and recreation's recreational rinks; provided, that \$900,000 shall be expended for bath house repairs at Houghton Pond; provided further, that \$1,000,000 shall be expended for Connell Rink in Weymouth; provided further, that said \$1,000,000 shall be subject to private matching funds up to a two-to-one match; provided further, that \$1,000,000 shall be expended for the repairs and improvement of the Walter C. Bryan Memorial Rink in West Roxbury; and provided further, that said \$1,000,000 shall be subject to private matching funds up to a two-to-one match ..... \$2,900,000

**SECTION 25.** Item 9700-0100 of section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the word "September 1, 2007", inserted by section 5 of chapter 16 of the acts of 2007, and inserting in place thereof the following word:- November 15, 2007.

**SECTION 26.** Said item 9700-0100 of said section 2 of said chapter 45 is hereby amended by striking out the word "October 15, 2007", inserted by section 6 of said chapter 16, and inserting in place thereof the following word:- January 15, 2008.

**SECTION 27.** Said item 9700-0100 of said section 2 of said chapter 45 is hereby further amended by striking out the words "and provided further, that for the purpose of the programs appropriated funds may be expended through October 15, 2007", inserted by section 7 of said chapter 16, and inserting in place thereof the following words:- and provided further, that for the purpose of the programs, appropriated funds may be expended through January 15, 2008.

**SECTION 28.** Item 1599-2005 of section 2A of chapter 81 of the acts of 2005, as most recently amended by section 38 of chapter 61 of the acts of 2007, is hereby further amended by inserting after the words "November 22, 2006," the following words:- ; provided further, that \$577,186 shall be expended to the town of Uxbridge for the purpose of providing relief related to damages associated with the Bernat Mill Fire on July 21, 2007, including the costs incurred by surrounding communities that responded to that emergency.

**SECTION 29.** Item 2300-0100 of section 2 of chapter 122 of the acts of 2006 is hereby amended by striking out the words "wetlands restoration" and inserting in place thereof the following words:- marine mammal restoration.

**SECTION 30.** Section 116 of said chapter 122 of the acts of 2006 is hereby amend-

ed by striking out the words “provided further, that \$150,000 shall be expended to fund a study to consider the siting of a new state police crime lab in the city of Worcester” and inserting in place thereof the following words:— provided, further, that \$150,000 shall be expended to the city of Worcester for the North Main Street Corridor Planning Initiative.

**SECTION 31.** Item 0321-1520 of section 2 of chapter 139 of the acts of 2006 is hereby amended by striking out the figure “\$1,068,670”, inserted by section 12 of chapter 42 of the acts of 2007, and inserting in place thereof the following figure:- \$1,200,000.

**SECTION 32.** Item 0699-9100 of said section 2 of said chapter 139 is hereby amended by inserting after the word “Laws” the following words:- and for the payment to the United States pursuant to section 148 of the Internal Revenue Code of 1986 of any rebate amount or yield reduction payment owed with respect to any bonds or notes or other obligations of the commonwealth.

**SECTION 33.** Item 2300-0100 of said section 2 of said chapter 139 is hereby amended by inserting after the words “in fiscal years 2006 and 2007” the following words:— ; provided further, that not less than \$500,000 shall be provided to the Northeast Seafood Coalition for the purpose of establishing commercial fishing sectors.

**SECTION 34.** Item 7004-0099 of said section 2 of said chapter 139 is hereby amended by inserting after the words “Framingham Downtown Renaissance economic, tourism and cultural development programs” the following words:— ; provided, further, that \$600,000 shall be expended for the Julian Steele Project in the city of Lowell.

**SECTION 35.** Item 8910-0110 of said section 2 of said chapter 139 is hereby amended by inserting after the figure “2006” the following words:— ; provided further, that \$250,000 shall be expended for a regional lockup.

**SECTION 36.** Said section 2 of said chapter 139 is hereby further amended by striking out item number “8910-7101” and inserting in place thereof the following item number:- 8910-7100.

**SECTION 37.** Section 2 of chapter 27 of the acts of 2007 is hereby amended by striking out item number “0610-2365” and inserting in place thereof the following item number:- 0610-2366.

**SECTION 38.** Said section 2 of said chapter 27 is hereby further amended by striking out item number “2000-2014” and inserting in place thereof the following item number:- 2000-2028.

**SECTION 39.** Said section 2 of said chapter 27 is hereby further amended by striking out item number “2000-2021” and inserting in place thereof the following item number:- 2000-2029.

**SECTION 40.** Said section 2 of said chapter 27 is hereby further amended by striking out item number “2200-2012” and inserting in place thereof the following item number:- 2200-2018.

**SECTION 41.** Said section 2 of said chapter 27 is hereby further amended by strik-

ing out item number “2200-2013” and inserting in place thereof the following item number:- 2200-2019.

**SECTION 42.** Said section 2 of said chapter 27 is hereby further amended by striking out item number “8000-2010” and inserting in place thereof the following item number:- 8000-2013.

**SECTION 43.** Said section 2 of said chapter 27 is hereby further amended by striking out item number “8100-0004” and inserting in place thereof the following item number:- 8100-0025.

**SECTION 43A.** Section 9 of said chapter 27 is hereby amended by striking out the figure “0610-2365” and inserting in place thereof the following figure:- 0610-2366.

**SECTION 44.** Item 7002-0012 of section 2C.I of chapter 42 of the acts of 2007 is hereby amended by striking out the figure “\$4,400,000” and inserting in place thereof the following figure:- \$4,602,000.

**SECTION 45.** Section 18 of said chapter 42 is hereby amended by striking out the words “take place not later than” and inserting in place thereof the following words:- be effective.

**SECTION 46.** Item 0810-0000 of section 2 of chapter 61 of the acts of 2007 is hereby amended by striking out the words “provided further, that not more than \$320,000 shall be expended for predatory lending and consumer credit units; provided further, that not more than \$355,000 shall be expended for a health care division; provided further, that not more than \$300,000 shall be expended for a victim witness rights services unit” and inserting in place thereof the following words:- provided further, that not less than \$320,000 shall be expended for predatory lending and consumer credit units; provided further, that not less than \$355,000 shall be expended for a health care division; provided further, that not less than \$300,000 shall be expended for a victim witness rights services unit.

**SECTION 47.** Item 4510-0810 of said section 2 of said chapter 61 is hereby amended by striking out the words “and provided further, that funds shall be expended for a contract with the Massachusetts Children’s Alliance to support children’s advocacy centers in the commonwealth” and inserting in place thereof the following words:— and provided further, that not less than \$204,000 shall be expended for a contract with the Massachusetts Children’s Alliance to support children’s advocacy centers.

**SECTION 47A.** Said item 4510-0810 of said section 2 of said chapter 61 is hereby further amended by striking out the figure “\$3,610,111” and inserting in place thereof the following figure:- \$3,814,111.

**SECTION 48.** Item 4513-1000 of said section 2 of said chapter 61 is hereby amended by striking out the figure “\$7,206,716” and inserting in place thereof the following figure:— \$7,365,000.

**SECTION 49.** Item 4530-9000 of said section 2 of said chapter 61 is hereby amended by striking out the words “Berkshire Coalition to Prevent Teenage Pregnancy” and

inserting in place thereof the following words:— the Northern Berkshire Community Coalition.

**SECTION 50.** Item 7002-0200 of said section 2 of said chapter 61 is hereby amended by striking out the words “and provided further, that funds shall be expended from this item for the GG object class costs of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission and the division of occupational safety”.

**SECTION 51.** Item 7003-0701 of said section 2 of said chapter 61 is hereby amended by inserting after the words “that each dollar expended” the following words:— for direct technical assistance under clause (2) of subsection (b) of said section 2RR of said chapter 29.

**SECTION 52.** Item 7003-0702 of said section 2 of said chapter 61 is hereby amended by striking out the words “Merrimack Valley Community Service Corps” and inserting in place thereof the following words:— Community Service Agency, Inc.

**SECTION 53.** Said item 7003-0702 of said section 2 of said chapter 61 is hereby further amended by striking out the words “Workforce Training Fund..... 100.0%” and inserting in place thereof the following words:—

Workforce Training Fund ..... 50%  
General Fund ..... 50%

**SECTION 54.** Item 7007-0900 of said section 2 of said chapter 61 is hereby amended by adding the following words:- ; and provided further, that not less than \$100,000 shall be expended for the Zeiterion Performing Arts Center in the city of New Bedford.

**SECTION 54A.** Said item 7007-0900 of said section 2 of said chapter 61 is hereby further amended by striking out the figure “\$28,231,965” and inserting in place thereof the following figure:- \$28,331,965.

**SECTION 55.** Item 8324-0000 of said section 2 of said chapter 61 is hereby amended by striking out the words “; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2008 shall not be transferred to any other object class in said fiscal year”.

**SECTION 56.** Said section 2 of said chapter 61 is hereby further amended by striking out item number “8910-7101” and inserting in place thereof the following item number:— 8910-7100.

**SECTION 57.** The second sentence of section 55 of said chapter 61 is hereby amended by adding the following words:- ; provided, further, that the hospital fiscal year 2008 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund; provided further, that payments may be made either as Safety Net Care payments under the Commonwealth's 1115 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof; provided further, that the comptroller, in consultation with the office



and the executive office of health and human services, shall transfer funds from the fund to the executive office for the purpose of the Title XIX service rate payments; provided further, that the executive office of health and human services and the office may use other federally permissible funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care costs at the hospitals using sources distinct from the funding made available to the fund.

**SECTION 57A.** Said chapter 61 is hereby further amended by striking out section 57 and inserting in place thereof the following section:-

Section 57. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office of administration and finance and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed \$346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund, established by section 2QQQ of chapter 29 of the General Laws; provided, that the comptroller has determined that general fund revenues are sufficient to accommodate the schedule of transfers. Any transfer from the General Fund to the Medical Assistance Trust Fund under this section totaling in excess of \$281,000,000 in fiscal year 2008 shall be made only after the secretary of health and human services has certified that any resulting increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending. The secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on healthcare financing of its certification within 15 days after the certification.

The non-federal share of \$504,000,000 in payments to the Cambridge public health commission's hospital provider network shall be funded by a transfer from the Cambridge public health commission of its funds to the Medical Assistance Trust Fund of \$252,000,000; and such payments to the Cambridge public health commission's hospital provider network may be made only after such transfer. The Cambridge public health commission shall use a federally-permissible source of funds to satisfy the non-federal share of such payments. Payments from the Medical Assistance Trust Fund shall be made only in accordance with the terms and conditions of an agreement with the executive office of health and human services that shall be consistent with federal funding requirements. From the \$504,000,000, the secretary shall make a payment of \$208,000,000 from the trust fund to the Cambridge public health commission's hospital network for dates of service in state and federal fiscal year 2008 and, in the event that federal financial participation is not available for the full amount, the secretary shall seek recoupment of not more than \$148,000,000.

**SECTION 58.** Notwithstanding any general or special law to the contrary, within 10 days after the transfers required pursuant to section 48 of chapter 61 of the acts of 2007, the comptroller shall transfer from the Bay State Competitiveness Investment Fund, hereinafter referred to as the fund, the following amounts: \$43,000,000 to the Massachusetts Alternative and Clean Energy Investment Trust Fund, established in section 35FF of chapter 10 of the General Laws; \$15,000,000 to the Massachusetts Life Sciences Investment

Fund, established in section 5 of chapter 23I of the General Laws; \$15,000,000 to the Emerging Technology Fund established in section 27 of chapter 23G of the General Laws; \$10,000,000 to the Affordable Housing Trust Fund established in section 2 of chapter 121D of the General Laws; \$10,000,000 to the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of the General Laws; and \$7,000,000 to the Massachusetts Cultural Facilities Fund established in section 42 of chapter 23G of the General Laws; provided, however, that if the Bay State Competitiveness Investment Fund contains less than \$100,000,000 after the transfers required pursuant to said section 48 of said chapter 61, then within 10 days after those transfers, the comptroller shall transfer 43 per cent of the balance in the fund to the Massachusetts Alternative and Clean Energy Investment Trust Fund, 15 per cent of the balance in the fund to the Massachusetts Life Sciences Investment Fund, 15 per cent of the balance in the fund to the Emerging Technology Fund, 10 per cent of the balance in the fund to the Affordable Housing Trust Fund, 10 per cent of the balance in the fund to the Smart Growth Housing Trust Fund, and 7 per cent of the balance in the fund to the Cultural Facilities Fund.

**SECTION 59.** Notwithstanding any general or special law to the contrary and during fiscal year 2007, the comptroller shall not transfer  $\frac{1}{2}$  of 1 per cent of the total revenue from taxes in the preceding fiscal year to the Commonwealth Stabilization Fund as otherwise required pursuant to clause (a) of section 5C of chapter 29 of the General Laws.

**SECTION 60.** Notwithstanding any general or special law or rule or regulation to the contrary, for calendar year 2007 only, the appropriate public authority shall notify the group insurance commission, pursuant to subsection (e) of section 19 of chapter 32B of the General Laws that it will transfer all subscribers for whom it provides health insurance coverage not later than October 29, 2007.

**SECTION 61.** Notwithstanding the provisions of subsections (b) and (j) of section 15 of chapter 33 of the General Laws, the adjutant general, the assistant adjutants general, the executive officer and the state quartermaster shall receive the same pay and allowances as an officer of the regular service of corresponding grade with corresponding length of service.

**SECTION 62.** Notwithstanding any general or special law or rule or regulation to the contrary, any unexpended balances in items 4000-0600 and 4000-0700 of section 2 of chapter 139 of the acts of 2006 shall not revert to the General Fund until September 15, 2007, and may be used by the executive office of health and human services to pay for services provided during fiscal year 2007; provided, however, that not more than \$14,000,000 shall be expended from item 4000-0600 after June 30, 2007 under contracts for the community choices initiative; and provided, further, that not more than \$6,000,000 shall be expended from item 4000-0700 after June 30, 2007 under fiscal year 2007 interagency service agreements.

**SECTION 63.** Section 14 shall take effect as of January 1, 2007.

**SECTION 64.** Sections 3, 4, 8, 9, 12, 13 and 15 shall take effect as of July 1, 2007.

*Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Section 33.*

*The remainder of the bill was approved by the Governor on October 19, 2007 at eleven o'clock and fifty eight minutes, A.M*

## **Chapter 141. AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF HOLBROOK.**

*Be it enacted, etc., as follows:*

**SECTION 1.** A person who holds an elected office in the town of Holbrook, with more than 6 months remaining in the term of that office on the date of the filing of a recall affidavit under section 2, may be recalled from office by the registered voters of the town of Holbrook in the manner provided in this act.

**SECTION 2.** Four hundred or more registered voters of the town may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall provide to the voters printed form petition blanks addressed to the board of selectmen demanding the recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit. In addition, the petition shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition shall be returned and filed in the office of the clerk within 18 days after the date upon which the clerk issued the petition and shall contain the signature of at least 20 per cent of the total number of voters duly recorded on the registration list of the clerk as of the most-recent preceding town election.

The clerk shall, within 72 hours after the filing, submit the petition to the registrars of voters who shall, within 5 days, certify on it the number of signatures which are names of voters of the town.

**SECTION 3.** If a recall petition shall be certified by the registrar of voters to contain the sufficient number of voters' signatures, the clerk of the town shall immediately submit the petition to the board of selectmen. Upon its receipt of a certified petition, the board of selectmen shall, within 72 hours, give notice of the recall petition and their certification to the officer whose recall is being sought.

If the officer sought to be recalled does not resign his or her office within 5 days after



the delivery of the notice, the board of selectmen shall order an election to be held not less than 64 nor more than 90 days after the date of certification of the sufficiency of the petition by the registrar of voters. If another town election is to occur within 100 days after the date of the certification, the board of selectmen may, at their discretion, postpone holding the recall election until the date of that other town election.

If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for the new candidates shall be counted.

**SECTION 4.** An officer whose recall is being sought shall not be a candidate to succeed himself or herself at the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relative to elections, unless otherwise provided in this act.

**SECTION 5.** The incumbent shall continue to perform the duties of the office until the recall election is held. If not recalled in the election, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as otherwise provided in this act.

If the incumbent officer is recalled, the officer shall be considered removed upon the qualification of a successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall be removed and the office shall remain vacant for the remainder of the unexpired term, or until the next election, whichever shall come first.

**SECTION 6.** Ballots used at a recall election shall contain the following propositions in the order indicated:

FOR THE RECALL OF                      (NAME OF OFFICER)                      ( )

AGAINST THE RECALL OF                      (NAME OF OFFICER)                      ( )

Adjacent to each proposition, there shall be a place to mark a vote.

After the propositions shall appear the word "CANDIDATES" followed by the names of all candidates, arranged alphabetically by surname. Adjacent to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast upon the question of recall is in the negative, the ballots for the candidates need not be counted unless the incumbent officer has previously resigned from office under section 3.

**SECTION 7.** A recall petition shall not be filed against an officer within 6 months after that officer assumes office. In the case of an officer who has been subjected to a recall election and was not recalled by that election, a subsequent recall petition shall not be filed against the officer until at least 6 months after the date of the previous recall election.

**SECTION 8.** A person who has been recalled from an office or who has resigned



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from an office while recall proceedings were pending shall not be appointed to any town office within 12 months after the recall or resignation.

**SECTION 9.** This act shall take effect upon its passage.

Approved October 25, 2007.

## Chapter 142. AN ACT PROTECTING PATIENT CONFIDENTIALITY.

*Be it enacted, etc., as follows:*

Chapter 112 of the General Laws is hereby amended by inserting after section 172 the following section:—

Section 172A. (a) Except as hereinafter provided, in a court proceeding, in a proceeding preliminary thereto or in a legislative or administrative proceeding, a client of a mental health counselor who is licensed pursuant to the provisions of section 165 or employed in a state, county or municipal government agency shall have the privilege of refusing to disclose and of preventing a witness from disclosing any communication relative to the diagnosis or treatment of the client's mental or emotional condition, wherever made, between the client and the mental health counselor.

(b) If a client is incompetent to exercise or waive the privilege, a guardian shall be appointed to act on the client's behalf under this section. A previously appointed guardian shall be authorized to so act. Upon the exercise of the privilege granted by this section, the judge or presiding officer shall instruct the jury that no adverse inference may be drawn therefrom.

(c) The privilege granted by this section shall not apply to the following communications:

(1) if a mental health counselor, in the course of his diagnosis or treatment of the client, determines that the client is in need of treatment in a hospital for mental or emotional illness or that there is a threat of imminently dangerous activity by the patient against himself or another person and, on the basis of that determination, discloses the communication either for the purpose of placing or retaining the client in the hospital; but, this section shall continue in effect after the patient is in the hospital or placed under arrest or under the supervision of law enforcement authorities;

(2) if a judge finds that the client, after having been informed that a communication would not be privileged, has made a communication to a mental health counselor in the course of a psychiatric examination ordered by the court; but, the communication shall be admissible only on issues involving the patient's mental or emotional condition but not as a confession or admission of guilt;

(3) in a proceeding, except one involving child custody, in which the client introduces his mental or emotional condition as an element of his claim or defense and the judge or presiding officer finds that it is more important to the interests of justice that the communi-

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cation be disclosed than that the relationship between client and mental health counselor be protected;

(4) in a proceeding after the death of a client in which his mental or emotional condition is introduced by any party claiming or defending through or as beneficiary of the patient as an element of the claim or the defense and the judge or presiding officer finds that it is more important to the interests of justice that the communication be disclosed than that the relationship between client and mental health counselor be protected;

(5) in the initiation of proceedings under paragraph C of section 23 of chapter 119 or under section 24 of said chapter 119 or section 3 of chapter 210 or to give testimony in connection therewith;

(6) in a proceeding whereby the mental health counselor has acquired the information while conducting an investigation pursuant to section 51B of chapter 119;

(7) in a case involving child custody, adoption or the dispensing with the need for consent to adoption where, upon hearing in chambers, the judge exercises his discretion to determine that the mental health counselor has evidence bearing significantly on the client's ability to provide suitable care or custody and it is more important to the welfare of the child that the communication be disclosed than that the relationship between the client and the mental health counselor be protected; but, in the case of adoption or the dispensing with the need for consent to adoption, a judge shall determine that the client has been informed that the communication should not be privileged; or

(8) if in a proceeding brought by the client against the mental health counselor, and in any malpractice, criminal or license revocation proceeding, in which disclosure is necessary or relevant to the claim or defense of the mental health counselor.

Approved October 25, 2007.

## Chapter 143. AN ACT RELATIVE TO JOINT PUBLIC LIBRARIES.

*Be it enacted, etc., as follows:*

Section 19A of chapter 78 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

For a joint public library, the board may approve, at the request of the cities or towns served by the joint public library, a single appropriation requirement in determining amounts under this section. The amount shall be calculated by aggregating the appropriations of the cities or towns administering the library. Upon petition by all of the cities or towns served by a joint public library, the board may waive the single appropriation requirement upon a demonstration of fiscal hardship. A joint public library shall be an undertaking of 2 or more cities or towns to provide public library service to their residents through a single administrative entity.

Approved October 25, 2007.

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**Chapter 144. AN ACT RELATIVE TO THE DEPARTMENT OF PUBLIC WORKS  
IN THE TOWN OF HATFIELD.**

*Be it enacted, etc., as follows:*

The fifth paragraph of section 3 of chapter 171 of the acts of 1998 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The director shall be a college graduate with an appropriate 4-year engineering degree or, in the judgment of the board of selectmen, shall have significant education or experience in engineering, public works or a related field.

Approved October 25, 2007.

**Chapter 145. AN ACT INCREASING THE EFFICIENCY, EFFECTIVENESS, AND  
FAIRNESS OF THE COMMONWEALTH'S LABOR RELATIONS  
AGENCIES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Sections 17D and 17E of chapter 6A of the General Laws are hereby repealed.

**SECTION 2.** Subsection (c) of section 1A of chapter 23 of the General Laws, as appearing in section 15 of chapter 19 of the acts of 2007, is hereby amended by striking out the words "the division of conciliation and arbitration, the labor relations commission, the joint labor-management committee" and inserting in place thereof the following words:- the division of labor relations.

**SECTION 3.** Section 3 of chapter 23, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following section:-

(a) Within the department, there shall be the following agencies and divisions: the division of industrial accidents, the division of labor relations, and the division of occupational safety.

**SECTION 4.** Subsection (c) of section 3 of chapter 23 is hereby repealed.

**SECTION 5.** Chapter 23 is further amended by striking out sections 9O, 9P, 9Q and 9R and inserting in place thereof the following 7 sections:-

Section 9O. There shall be within the department of labor a division of labor relations, in this and the following 6 sections called the "division," which shall be administered by a director, who shall be appointed by the governor. The division shall include: (1) a dispute resolution office; (2) an advisory council; (3) the commonwealth employment relations board; and (4) the joint labor-management committee. The division and its staff shall be subject to the jurisdiction of the department of labor for all administrative

functions, but shall not be subject to the department of labor in the performance of adjudicatory functions, including but not limited to the assignment, evaluation, hiring, and firing of individual adjudicatory personnel.

It is hereby declared to be the public policy of the commonwealth that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes; and it shall be the responsibility and objective of the division to take such steps as will most effectively and expeditiously encourage the parties to a labor dispute to agree on the terms of a settlement or to agree on the method and procedure which shall be used to resolve a dispute.

It is recognized that a constructive and harmonious long-term collective bargaining relationship is the most positive way to avoid labor disputes, and such a relationship can be effectively developed in the public sector through the use of joint labor management committees.

Section 9P. The dispute resolution office shall consist of hearing officers, mediators, arbitrators, investigators, and other skilled professionals who shall attempt, through the use of pre-hearing investigative conferences, expedited hearings, mediation, deferral to arbitration, and other dispute resolution procedures, to resolve any labor dispute brought to the attention of the division. Such staff may be assigned to investigate labor disputes pursuant to section 11 of chapter 150E, to mediate labor disputes pursuant to section 9 of chapter 150E, to assist the joint labor-management committee in the investigation of disputes involving municipal police and fire departments, and to perform such other duties as the division may require.

Section 9Q. (a) There shall be an advisory council to advise the division concerning policies, practices, and specific actions that the division might implement to better discharge its labor relations duties. The director shall provide for the council suitable meeting space and such clerical and other assistance as the director and the council may deem necessary.

(b) The advisory council shall consist of 13 members to be appointed by the governor, 5 of whom shall be members or representatives of public sector labor unions, 5 of whom shall be representatives of public sector managers, including the director of employee relations for the commonwealth, and 3 of whom shall be at large members. Seven members shall constitute a quorum for purposes of holding a meeting and voting. No action shall be taken by the council without the affirmative vote of at least 7 members. All members of the advisory council shall serve without compensation and at the pleasure of the governor. The advisory council shall meet no less than quarterly during each calendar year. Meetings of the advisory council shall be called by the chair or upon petition by a majority of voting members. Such meetings shall be subject to section 11A 1/2 of chapter 30A. The director of labor, the chair of the commonwealth employment relations board, and the director of the division shall serve as ex-officio non-voting members of the advisory council.

(c) The governor shall, from time to time, designate one of the council members as chair of the advisory council. The chair shall serve for no more than 2 years, and the position



shall rotate among employee, employer, and at large members. No member of the advisory council shall be subject to chapter 31.

(d) With the approval of the advisory council, the director of labor may establish standards regarding the performance of the division, and require periodic reports from the director of the division regarding the division's attainment of such standards.

Section 9R. (a) There shall be in the division of labor relations a commonwealth employment relations board, in this and the following 5 sections called the "board," consisting of 3 members to be appointed by the governor. The board shall in no respect be subject to the jurisdiction of the department of labor except to the extent of compliance with reasonable requests from the director for the sharing of information which does not interfere with the efficient and independent functioning of the board. Each member of the board shall be appointed for a term of 5 years; provided, however, that a term of appointment shall be shortened, if necessary, to ensure that the members' terms are staggered such that a term expires every 2 years. Any vacancy in the board shall be filled by appointment in like manner. No more than 2 members shall be from the same political party. Upon the expiration of the term of any member, her successor shall be appointed in like manner. Any member may be removed by the governor for neglect of duty or malfeasance in office, but for no other cause.

(b) The governor shall designate one of the members of the board as chair. The chair shall be responsible for convening meetings of the board. The position of chair shall be classified in accordance with section 45 of chapter 30 and the chair's salary shall be determined in accordance with section 46C of said chapter 30. The chair shall devote her full time to the duties of her office and shall not engage in other employment or business activities during regular business hours.

(c) The board members other than the chair shall serve on a per diem basis, to be reimbursed at an appropriate rate to be established by the director, in consultation with the advisory council. The board members shall hold no other public office or public employment in the commonwealth, and shall devote whatever time is necessary to fulfill the obligations of their positions.

(d) Pursuant to section 11 of chapter 150E, the members shall be responsible for reviewing orders and issuing decisions.

(e) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and 2 members of the board shall at all times constitute a quorum. The board shall have an official seal which shall be judicially noticed.

(f) The appointment or reappointment of a member shall be made by the governor from names submitted to the governor by the advisory council. Before any appointment or reappointment to the position of member of the commonwealth employment relations board, the advisory council shall review all applications for such nominations and consider the following factors: (1) basic understanding of the commonwealth's public sector labor relations law; (2) skills in decision-making; (3) a law degree; and (4) demonstrated familiarity with legal processes. The advisory council shall rank each candidate as qualified,

unqualified, or highly qualified. The governor may select 1 or more candidates recommended by the advisory council; provided, however, that the governor may decline to appoint any of the proffered candidates, in which case the council shall reopen the application process and submit new candidates for the governor's consideration.

(g) Attorneys employed by the division may appear for and represent the board in any case in court.

Section 9S. There shall be within the division the joint labor-management committee as established by chapter 1078 of the acts of 1973, and as most recently amended by chapter 589 of the acts of 1987.

Section 9T. (a) The division shall be administered by a director, who shall be appointed by the governor to serve for a term coterminous with that of the governor. The position of director shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The director shall devote her full time to the duties of her office and shall not engage in other employment or business activities during regular business hours.

(b) The appointment or reappointment of the director of the division shall be made by the governor from names submitted to the governor by the advisory council. Before any appointment or reappointment to the position of director of the division, the advisory council shall review all applications for such nominations and consider the following factors: (1) basic understanding of the commonwealth's public sector labor relations law; (2) skills and experience in managing organizations; and (3) any other relevant experience and education. The advisory council shall rank each candidate as qualified, unqualified, or highly qualified. The governor may select 1 of the candidates recommended by the advisory council; provided, however, that the governor may decline to appoint any of the proffered candidates, in which case the council shall reopen the application process and submit new candidates for the governor's consideration. Any director may be removed by the governor for neglect of duty or malfeasance in office, or for the division's failure to meet the performance standards as set forth in subsection (d) of section 9Q, but for no other cause.

(c) The director shall be the executive and administrative head of the division and shall have charge of the administration of the division. The director shall have the authority, pursuant to chapter 30A, and after consultation with the advisory council and the members of the commonwealth employment relations board, to issue any regulation for the enforcement and administration of the provisions of this section and the 3 following sections, as well as chapters 150, 150A, and 150E. The director shall prepare an annual operating budget and other funding requirements and requests pursuant to this chapter to be submitted to the executive office of labor and workforce development.

(d) In addition to the responsibilities specified above, the director's duties shall include, but not be limited to, the following:

(i) the training of newly appointed board members, hearing officers, mediators, arbitrators, investigators, and any other staff as to their responsibilities and powers, includ-

ing, but not limited to: the conduct of investigations, conferences, hearings, and mediations; the prompt, clear, and concise writing of decisions; and the prompt resolution of labor disputes brought to the attention of the division;

(ii) the establishment of an annual training program to instruct all board members, hearing officers, mediators, arbitrators, investigators, and any other staff as the director deems appropriate, in matters related to their professional development;

(iii) the establishment of reasonable criteria, in conjunction with the general counsel, and after consultation with the advisory council, upon which to perform an annual review of each board member;

(iv) the establishment of performance standards for all of the functions of the division;

(v) the appropriate allocation of all disputes brought to the attention of the division, to ensure that all professional staff receive balanced and equitable case loads; and

(vi) the hiring, supervision, and evaluation of hearing officers, mediators, arbitrators, investigators, and other staff, for the purpose of fostering more effective resolution of disputes brought to the attention of the division.

(e) While the director shall have oversight over the performance of hearing officers, arbitrators, and other staff, neither the director nor any other person may interfere with, influence, or overrule any written opinion issued by the division's staff or by the board. Any such decision may only be overruled by the members of the commonwealth employment relations board or a court, in accordance with applicable law.

Section 9U. The division shall, within 120 days of the close of each fiscal year, make a detailed report in writing to the general court, including without limitation: the number and types of cases filed with the division, including elections, and the disposition of all such cases; statistics regarding the number of decisions it has rendered and unresolved cases, and the timeliness of the division's decisions; the names, salaries, and duties of all employees and officers in the employ or under the supervision of the division; and an account of all moneys it has disbursed.

**SECTION 6.** Chapter 23C of the General Laws is hereby repealed.

**SECTION 7.** Chapter 150E of the General Laws is hereby amended by striking out section 11 and inserting in place thereof the following section:-

Section 11. (a) When a complaint is made to the division that a practice prohibited by section 10 has been committed, the director may refer the matter to an investigator. The employer, the employee organization, or the person so complained of shall have the right to file an answer to the original or amended complaint within 5 days after the service of such complaint or within such other time as the division may require. Before the receipt of any answer, any complaint may be amended as of right, and, after the receipt of any answer, only with the permission of the division.

(b) The investigator may issue an order dismissing the complaint, deferring any complaint which is the subject of a pending grievance or arbitration, referring any complaint



to one of the division's mediators, or directing that a hearing take place. Unless the complaint is dismissed, deferred, or referred, the investigator shall promptly meet with the parties, investigate whether settlement of the complaint is possible, clarify and narrow the issues before the complaint is forwarded to a hearing, or dismiss the complaint without a hearing. The investigator may dismiss the complaint if she finds no probable cause to believe that a violation of this chapter has occurred or if she otherwise determines that further proceedings would not effectuate the purposes of this chapter.

(c) If a hearing is ordered, the division shall set the time and place for the hearing, which time and place may be changed by the division at the request of one of the parties for cause shown. Any party may file a motion to dismiss the complaint or for a summary decision prior to a hearing. At the hearing, which shall be presided over by a hearing officer, the employer, the employee organization, or the person so complained of shall have the right to appear in person or otherwise to defend against the complaint. At the discretion of the division, any person may be allowed to intervene in such proceeding. In any hearing, the division shall not be bound by the technical rules of evidence prevailing in the courts. The testimony, if any, may be preserved by a taped recording or, at the discretion of the parties who shall be responsible for the costs thereof, by stenographic transcription.

(d) At the conclusion of the hearing, the hearing officer shall issue written findings of fact and shall determine whether a practice prohibited under section 10 has been committed and, if so, shall issue an order requiring the charged party to cease and desist from such prohibited practice, and shall take such further affirmative action as will comply with the provisions of this section, including but not limited to the withdrawal of certification of an employee organization established by or assisted in its establishment by any such prohibited practice. The hearing officer shall order the reinstatement with or without back pay of an employee discharged or discriminated against in violation of the first paragraph of this chapter. If the hearing officer determines that a practice prohibited under section 10 has not been or is not being committed, the hearing officer shall state her findings of fact and issue an order dismissing the complaint.

(e) Any order issued pursuant to this section shall become final and binding unless, within 10 days after notice thereof, any party requests a review by the board. A review may be made upon the record, which shall consist of the pleadings, motions, rulings, and the testimony taken at the hearing, if any, or upon such portions of the record as the parties may designate.

(f) Upon any complaint made under this section and a petition filed by one or more parties to the proceeding, the board, in its discretion, and for good cause shown, may order that the hearing be conducted by the board itself. At such hearing the employer, the employee organization or the person so complained of shall have the right to appear in person or otherwise to defend against such complaint. At the discretion of the board, any person may be allowed to intervene in such proceeding. In any hearing, the board shall not be bound by the technical rules of evidence prevailing in the courts. The testimony, if any,



may be preserved by a taped recording or, at the discretion of the parties who shall be responsible for the costs thereof, by stenographic transcription.

(g) At the conclusion of the hearing, the board shall state its findings of fact and shall determine whether a practice prohibited under section 10 has been committed and if so, it shall issue an order requiring the charged party to cease and desist from such prohibited practice, and shall take such further affirmative action as will comply with the provisions of this section, including but not limited to the withdrawal of certification of an employee organization established by or assisted in its establishment by any such prohibited practice. The board shall order the reinstatement with or without back pay of an employee discharged or discriminated against in violation of the first paragraph of this chapter. If the board determines that a practice prohibited under section 10 has not been or is not being committed, it shall state its findings of fact and issue an order dismissing the complaint.

(h) Whenever it is alleged that a party has refused to bargain collectively in good faith with the exclusive representative as required in section 10 and that such refusal is based upon a dispute involving the appropriateness of a bargaining unit, the division shall, except for good cause shown, issue an interim order requiring the parties to bargain pending its determination of the dispute. Where such interim order is issued, the board shall hold a hearing on the charge in a summary manner and shall speedily determine the issues raised and shall make an appropriate decision.

(i) The board may institute appropriate proceedings in the appeals court for enforcement of its final orders. Any party aggrieved by a final order of the board may institute proceedings for judicial review in the appeals court within 30 days after receipt of the order. The proceedings in the appeals court shall, insofar as applicable, be governed by section 14 of chapter 30A. The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the board's order.

**SECTION 8.** Notwithstanding any general or special law to the contrary, the division shall have all of the legal powers, authorities, responsibilities, duties, rights, and obligations previously conferred on the labor relations commission, the board of conciliation and arbitration, and the joint-labor management committee, including without limitation those set forth in chapter 23C, chapter 150, chapter 150A, and chapter 150E of the General Laws. The commissioners of the labor relations commission holding office upon the effective date of this act may serve on the commonwealth employment relations board until the expiration of their current terms.

**SECTION 9.** This act shall take effect as soon as it has the force of law under subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.

*The foregoing was filed by the Governor with the General Court on September 13, 2007. Not having been disapproved in either the Senate or the House of Representatives and the General Court not having been prorogued, after 60 days it has the force of law as provided in Article LXXXVII of the Amendments to the Constitution.*

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**Chapter 146. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DEBORAH GOSSELIN, AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, the department of social services shall establish a sick leave bank for Deborah Gosselin, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Deborah Gosselin. Whenever Deborah Gosselin terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

**SECTION 2.** This act shall take effect as of July 11, 2007.

Approved November 1, 2007.

**Chapter 147. AN ACT EXEMPTING THE POSITIONS OF FIRE CHIEF AND DEPUTY FIRE CHIEF IN THE TOWN OF HUDSON FROM THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The positions of fire chief and deputy fire chief in the town of Hudson shall not be subject to chapter 31 of the General Laws.

**SECTION 2.** Section 1 shall not impair the civil service status of any person holding the office of fire chief or deputy fire chief in the town of Hudson on the effective date of this act.

**SECTION 3.** This act shall take effect upon its passage.

Approved November 1, 2007.

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**Chapter 148. AN ACT ESTABLISHING A SICK LEAVE BANK FOR LORI SILVA,  
AN EMPLOYEE OF THE TRIAL COURT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Lori Silva, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Lori Silva. Whenever Lori Silva terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved November 1, 2007.

**Chapter 149. AN ACT AUTHORIZING THE CITY OF GARDNER TO PURCHASE  
LAND IN THE TOWN OF WINCHENDON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Gardner may purchase a certain parcel of land located in the town of Winchendon from the JAB Realty Trust. The parcel is shown as Parcel F on a plan of land entitled, "Plan of Land Located in Gardner MA and Winchendon MA owned by Century Way Development Corp." dated October 12, 1988 and revised October 2, 1989 drawn by Bradford Engineering Co. recorded in the Worcester district registry of deeds Plan Book 630 Plan 37.

**SECTION 2.** This act shall take effect upon its passage.

Approved November 1, 2007.

**Chapter 150. AN ACT DESIGNATING A PORTION OF ROUTE 7 AND ROUTE 20  
IN THE TOWN OF LENOX AS THE LIEUTENANT COMMANDER  
WILLIAM F. COAKLEY HIGHWAY.**

*Be it enacted, etc., as follows:*

The portion of the state highways route 7 and route 20 in the town of Lenox from the intersection of said routes 7 and 20 and Lime Kiln road to the intersection of said routes 7

and 20 and New Lenox road shall be designated and known as the Lieutenant Commander William F. Coakley Memorial Highway, in memory of Lieutenant Commander William F. Coakley, in recognition of his service to his country as an officer in the United States Navy. The department of highways shall erect suitable markers bearing this designation in compliance with the standards of the department.

Approved November 1, 2007.

## **Chapter 151. AN ACT RELATIVE TO PENSION DIVESTMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** As used in this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Active business operations”, all business operations that are not inactive business operations.

“Board”, the pension reserves investment management board established pursuant to section 23 of chapter 32 of the General Laws.

“Business operations”, engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

“Company”, any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations that exist for profit-making purposes.

“Complicit”, taking actions during any preceding 20 month period which have directly supported or promoted the genocidal campaign in Darfur, including, but not limited to, preventing Darfur’s victimized population from communicating with each other, encouraging Sudanese citizens to speak out against an internationally approved security force for Darfur, actively working to deny, cover up, or alter the record on human rights abuses in Darfur, or other similar actions.

“Direct holdings”, all securities of a company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

“Government of Sudan”, the government in Khartoum, Sudan, which is led by the National Congress Party, formerly known as the National Islamic Front, or any successor government formed on or after October 13, 2006, including the coalition national unity government agreed upon in the comprehensive peace agreement for Sudan, and does not include the regional government of southern Sudan.



“Inactive business operations”, the continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for such purpose.

“Indirect holdings”, all securities of a company held in an account or fund, such as a mutual fund, managed by 1 or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this act.

“Marginalized populations of Sudan”, includes, but is not limited to: (1) the portion of the population in the Darfur region victimized by genocide; (2) the portion of the population of southern Sudan victimized by Sudan’s North-South civil war; (3) the Beja, Rashidiya, and other similarly underserved groups of eastern Sudan; (4) the Nubian and other similarly underserved groups in Sudan’s Abyei, Southern Blue Nile, and Nuba Mountain regions; and (5) the Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.

“Military equipment”, weapons, arms, military supplies, and equipment that readily may be used for military purposes, including, but not limited to, radar systems or military-grade transport vehicles; or supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

“Mineral extraction activities”, exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, as well as facilitating such activities, including by providing supplies or services in support of such activities.

“Oil-related activities”, includes, but is not limited to: (1) owning rights to oil blocks; (2) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; (3) constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure; and (4) facilitating such activities, including by providing supplies or services in support of such activities, provided that, the mere retail sale of gasoline and related consumer products shall not be considered oil-related activities.

“Power production activities”, any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar government of Sudan entity whose purpose is to facilitate power generation and delivery, including, but not limited to, establishing power-generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project, as well as facilitating such activities, including by providing supplies or services in support of such activities.

“Public fund”, the Pension Reserves Investment Trust or the Pension Reserves Investment Management Board in charge of managing the pooled investment fund consisting of the assets of the State Employees’ and Teachers’ Retirement Systems as well as the assets of local retirement systems under the control of the board.

“Scrutinized company”, any company that meets the criteria in this definition:-

(1) the company has business operations that involve contracts with or provision of supplies or services to (a) the government of Sudan, (b) companies in which the government of Sudan has any direct or indirect equity share, (c) government of Sudan-commissioned consortiums or projects, or (d) companies involved in government of Sudan-commissioned consortiums or projects; and (i) more than 10 per cent of the company’s revenues or assets linked to Sudan involve oil-related activities or mineral extraction activities; less than 75 per cent of the company’s revenues or assets linked to Sudan involve contracts with or provision of oil-related or mineral extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government; and the company has failed to take substantial action; or (ii) more than 10 per cent of the company’s revenues or assets linked to Sudan involve power production activities; less than 75 per cent of the company’s power production activities include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and the company has failed to take substantial action.

(2) The company is complicit in the Darfur genocide.

(3) The company supplies military equipment within Sudan, unless it clearly shows that the military equipment cannot be used to facilitate offensive military actions in Sudan or the company implements rigorous and verifiable safeguards to prevent use of that equipment by forces actively participating in armed conflict, for example, through post-sale tracking of such equipment by the company, certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan, or sale of such equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization. Notwithstanding anything herein to the contrary, a social development company which is not complicit in the Darfur genocide shall not be considered a scrutinized company.

“Social development company”, a company whose primary purpose in Sudan is to provide humanitarian goods or services, including medicine or medical equipment, agricultural supplies or infrastructure, educational opportunities, journalism-related activities, information or information materials, spiritual-related activities, services of a purely clerical or reporting nature, food, clothing, or general consumer goods that are unrelated to oil-related activities, mineral extraction activities, or power production activities.

“Substantial action”, adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within 1 year and to refrain from any such new business operations; undertaking humanitarian efforts in conjunction with an international organization, the government of Sudan, the regional government of southern Sudan, or a non profit entity; and evaluated and certified by an independent third party to be substantial in relationship to the company’s Sudan business operations and of benefit to 1 or more marginalized populations of Sudan; or through engagement with the government of Sudan, materially improving conditions for the population victimized by genocide in Darfur.

**SECTION 2.** Within 90 days of the effective date of this act, the public fund shall make its best efforts to identify all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future. The identification of scrutinized companies shall be the responsibility of an independent, third-party research firm, as identified by the public fund, and based on the criteria set forth in this act. By the first meeting of the public fund following the 90-day period, the public fund shall assemble all scrutinized companies identified into a scrutinized companies list. The public fund shall update the scrutinized companies list on a quarterly basis based on evolving information from the aforementioned independent, third-party research firm.

**SECTION 3.** The public fund shall adhere to the following procedure for companies on the scrutinized companies list:-

(a)(1) the public fund shall immediately determine the companies on the scrutinized companies list in which the public fund owns direct or indirect holdings;

(2) if, and only while such company continues to have scrutinized active business operations, the public fund shall sell, redeem, divest, or withdraw all publicly-traded securities of each company identified in paragraph (1) with active business operations, except as provided below, according to the following schedule: (i) at least 50 per cent of such assets shall be removed from the public fund's assets under management by 6 months after the company's most recent appearance on the scrutinized companies list (ii) 100 per cent of such assets shall be removed from the public fund's assets under management within 12 months after the company's most recent appearance on the scrutinized companies list;

(3) during the time period outlined in paragraph (2) the public fund may, but is not required to, sign onto engagement letters or participate in shareholder resolutions regarding the scrutinized business operations of companies identified in paragraph (1) with active or inactive business operations in which the public fund still owns direct or indirect holdings;

(4) If a company identified in paragraph (1) with only inactive business operations converts such operations to active business operations, paragraph (2) will immediately apply. The company shall also be immediately reintroduced onto the scrutinized companies list.

(b) At no time shall the public fund acquire securities of companies on the scrutinized companies list that have active business operations, except as provided in subsections (c) and (d).

(c) No company which the United States government affirmatively declares to be excluded from its present or any future federal sanctions regime relating to the government of Sudan shall be subject to divestment or investment prohibition pursuant to subsections (a) and (b).

(d) Notwithstanding anything herein to the contrary, subsections (a) and (b) shall not apply to indirect holdings in actively managed investment funds. The public fund shall, however, submit letters to the managers of such investment funds containing companies with scrutinized active business operations requesting that they consider removing such companies from the fund or create a similar actively managed fund with indirect holdings devoid



of such companies. If the manager creates a similar fund, the public fund shall replace all applicable investments with investments in the similar fund in an expedited time frame consistent with prudent investing standards. For the purposes of this section, private equity funds shall be deemed to be actively managed investment funds.

**SECTION 4.** The public fund shall file a report with the clerks of the senate and the house of representatives and the attorney general that includes the scrutinized companies list within 30 days after the list is created. Annually thereafter, the public fund shall file a report to the clerks of the senate and the house of representatives and the attorney general and send a copy of that report to the United States presidential special envoy to Sudan, or an appropriate designee or successor, that includes: (1) all investments sold, redeemed, divested, or withdrawn in compliance with subsection (a) of section 3; (2) all prohibited investments under subsection (b) of section 3; and (3) any progress made under subsection (d) of section 3.

**SECTION 5.** With respect to actions taken in compliance with this act, including all good faith determinations regarding companies as required by this act, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

**SECTION 6.** Notwithstanding anything herein to the contrary, the public fund shall be permitted to cease divesting from certain scrutinized companies pursuant to subsection (a) of section 3 or reinvest in certain scrutinized companies from which it divested pursuant to said subsection if clear and convincing evidence shows that the value for all assets under management by the public fund becomes equal to or less than 99.5 per cent (50 basis points) of the hypothetical value of all assets under management by the public fund assuming no divestment for any company had occurred under said subsection. Cessation of divestment, reinvestment, or any subsequent ongoing investment authorized by this section shall be strictly limited to the minimum steps necessary to avoid the contingency set forth in the preceding sentence. For any cessation of divestment, reinvestment, or subsequent ongoing investment authorized by this subsection, the public fund shall provide a written report to the attorney general, the senate and house committees on ways and means and the joint committee on public service in advance of initial reinvestment, updated semi-annually thereafter as applicable, setting forth the reasons and justification, supported by clear and convincing evidence, for its decisions to cease divestment, reinvest, or remain invested in companies with scrutinized active business operations. This section has no application to reinvestment in companies on the ground that they have ceased to have scrutinized active business operations.

**SECTION 7.** This act shall expire when the government of Sudan is not the subject of sanctions, relative to genocide, imposed by the government of the United States.

Approved November 2, 2007.



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**Chapter 152. AN ACT RELATIVE TO CERTAIN MEMBERS OF THE  
CAMBRIDGE RETIREMENT SYSTEM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, upon acceptance of this act by the legislative body of the city of Cambridge, Constance Breece, Laurie Friedman, Christley Harris, Ellen Lapowsky, Nicole May, and Kathleen Reist, members of the Cambridge retirement system, shall be entitled to credit for the period that each of them performed services as a nurse midwife for the Cambridge Hospital Professional Services Corporation and the Somerville Hospital; but, the service shall not be credited until the member has paid into the annuity savings fund of the system, in 1 sum or in installments upon terms and conditions as the board may prescribe, the amount of contributions, together with interest thereon, that would have been withheld from regular compensation during the period from when the member left membership on or about June 30, 1995, and then became employed by the Cambridge Hospital Professional Services Corporation, and later the Somerville Hospital, to the time when the member reentered membership in the Cambridge retirement system as an employee of the Cambridge Public Health Commission.

**SECTION 2.** A member in service of the retirement system eligible for the creditable service under this act shall make application for the creditable service within 180 days of the acceptance of this act by the legislative body of the city of Cambridge.

**SECTION 3.** Terms used in this act shall have the same meaning as those terms defined in section 1 of chapter 32 of the General Laws.

Approved November 8, 2007.

**Chapter 153. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO PAY  
FULL SALARY AND BENEFITS TO CITY EMPLOYEES WHO ARE  
ASSIGNED TO AND PRESENT IN A THEATER OF COMBAT  
OPERATIONS SUCH AS IRAQ OR AFGHANISTAN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, an employee of the city of Cambridge, including the Cambridge school department, who has been granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed services called to active service in the armed forces of the United States after September 11, 2001, and who has been assigned to a theater of combat operations, such as Iraq or Afghanistan, shall be entitled to receive his regular base salary as a city of Cambridge employee or an employee of the Cambridge school department, as the case may be, for each pay period during his military leave of absence without reduction by any amount received from the United States

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as pay or allowance for military service performed during the same pay period. An employee eligible under this section shall not lose any seniority or any accrued vacation leave, sick leave, personal leave or retirement service credits as a result of his military service.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the city of Cambridge may expend in the current fiscal year costs incurred in prior fiscal years associated with the payment of salary and paid leave time to an employee eligible pursuant to this act.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the city of Cambridge, including the Cambridge school department, may provide up to 5 calendar days of pre-deployment, paid leave time to any employee in its service who has requested a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed services called to active service in the armed forces of the United States and who is subject to deployment orders assigning him to a theater of combat operations, such as Iraq or Afghanistan, and requiring that he be on military leave for at least 90 days. This pre-deployment leave shall not count towards personal, sick, vacation or other leave time and shall not be deducted from creditable service for retirement purposes.

Approved November 8, 2007.

**Chapter 154. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF SOUTHAMPTON AS THE SOUTHAMPTON VETERANS MEMORIAL BRIDGE.**

*Be it enacted, etc., as follows:*

The bridge no. S-19-009 located on state highway route 10, College Highway, over the Manhan river in the town of Southampton shall be designated and known as the Southampton Veterans Memorial Bridge. The department of highways shall erect suitable markers bearing that designation in compliance with the standards of the department.

Approved November 8, 2007.

**Chapter 155. AN ACT RELATIVE TO PUBLIC SAFETY AT REPRODUCTIVE HEALTH CARE FACILITIES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith public safety at reproductive health care facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 120E½ of chapter 266 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “within”, in line 2, the following words:- or upon the grounds of.

**SECTION 2.** Subsection (b) of said section 120E1/2 of said chapter 266, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of 35 feet of any portion of an entrance, exit or driveway of a reproductive health care facility or within the area within a rectangle created by extending the outside boundaries of any entrance, exit or driveway of a reproductive health care facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway.

Approved November 13, 2007.

**Chapter 156. AN ACT ESTABLISHING A SICK LEAVE BANK FOR RHEA LINDSTEDT, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Rhea Lindstedt, an employee of the department. Any employee of the department may contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Rhea Lindstedt. Whenever Rhea Lindstedt terminates employment with the department or requests to dissolve the sick leave bank, the time remaining in the sick leave bank shall be transferred to the extended illness leave bank.

Approved November 13, 2007.

**Chapter 157. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF CHELMSFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The charter of the town of Chelmsford, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out Section 2-1 and inserting in place thereof the following section:-

**Section 2-1. Town Meeting Composition.**

The legislative body of the town shall be a representative town meeting who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town. Its membership shall in each precinct consist of the largest numbers divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total elected membership not to exceed one hundred eighty, but which will not exceed eighteen representatives per precinct. Members shall be elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

**SECTION 2.** The second paragraph of Section 2-2 of said charter is hereby amended by striking out the words "at least once in every ten years" and inserting in place thereof the following words:- at least once every ten years, to coincide with the publication of new state decennial census statistics.

**SECTION 3.** Said Section 2-2 of said charter is hereby further amended by adding the following sentence:- The number of voting precincts shall be determined such that each precinct shall average not less than two thousand five hundred residents and not more than four thousand residents.

**SECTION 4.** Subparagraph (b) of section 2-12 of said charter is hereby amended by striking out the words "Eighty-two" and inserting in place thereof the following words:- A majority of.

**SECTION 5.** This act shall take effect upon its passage.

Approved November 13, 2007.

**Chapter 158. AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND FIRE CHIEF IN THE TOWN OF NORTH ANDOVER FROM THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The positions of chief of the police department and chief of the fire department in the town of North Andover shall be exempt from chapter 31 of the General Laws.

**SECTION 2.** Section 1 of this act shall not impair the civil service status of any person holding the position of chief of the police department or chief of the fire department in the town of North Andover on the effective date of this act.



**SECTION 3.** This act shall take effect upon its passage.

Approved November 13, 2007.

**Chapter 159. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO GRANT AN EASEMENT OVER TOWN OWNED PROPERTY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Nantucket may convey and grant by deed an easement of access and utility, 14 feet wide and containing approximately 1,485 square feet of land, over certain land located at 43 Eel Point road, shown on assessors map 32 as parcel 23, to Thirty-Nine Eel Point Trust, its successors and assigns, the owner of the property located at 39 Eel Point road and shown on assessors map 32 as parcel 22.

**SECTION 2.** In consideration for the easement authorized in section 1, Thirty-Nine Eel Point Trust, its successors and assigns, shall convey and grant by deed to the town of Nantucket an easement for pedestrian beach access, 10 feet wide and containing approximately 4,041 square feet of land, over its property located at 39 Eel Point road and shown on assessors map 32 as parcel 22. The parcels and easements described in this act are shown on a map entitled "Reciprocal Easement Plan in Nantucket, MA", prepared by Bracken Engineering, Inc. and dated February 14, 2007, as amended.

**SECTION 3.** This act shall take effect upon its passage.

Approved November 13, 2007.

**Chapter 160. AN ACT ESTABLISHING COMMERCIAL FISHING SECTORS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide funds for commercial fishing sectors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Item 2300-0100 of section 2 of chapter 139 of the acts of 2006 is hereby amended by inserting after the words "in fiscal years 2006 and 2007" the following words:— ; provided further, that not less than \$500,000 shall be expended for the purpose of establishing commercial fishing sectors.

Approved November 13, 2007.

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**Chapter 161. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO MAKE CONVEYANCE AND SALE OF CERTAIN WATER SUPPLY LAND.**

*Be it enacted, etc., as follows:*

The town of Weymouth acting by and through its mayor, may sell and convey a certain parcel of land located within the town of Weymouth and acquired for water supply purposes as a standpipe but no longer used therefor, containing 58,587 square feet and recorded in Norfolk county registry of deeds in book 2771, page 140, and described therein as Parcel A on a plan entitled "Plan of Land in East Wey. Mass.", dated February 13, 1948, and made by R.H. Whiting, C.E. town engineer and apply the proceeds therefrom for general municipal purposes. The parcel is shown on the town of Weymouth assessors' map as sheet 22, block 300, lot 38.

Approved November 13, 2007.

**Chapter 162. AN ACT PROVIDING THAT CERTAIN PHYSICAL CONDITIONS SHALL BE PRESUMED TO HAVE BEEN SUFFERED IN THE LINE OF DUTY.**

*Be it enacted, etc., as follows:*

Section 94 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "correction", in line 8, the following words:- or a county correctional facility.

*Emergency Letter: 11/14/2007 @ 11:41 A.M*

Approved November 13, 2007.

**Chapter 163. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO USE, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND IN THE TOWN OF NANTUCKET FOR MUNICIPAL PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Nantucket and the Nantucket Island Land Bank may release and transfer their property interests to each other in certain land located in the town of Nantucket, known as the South Pasture near Bunker road, as shown on the town's assessor's map 78, parcel 4. This parcel of land consists of approximately 60 acres, one -third of which is owned by the Nantucket Island Land Bank, one -third by the town of Nantucket and one -third by unknown owners, all undivided and located within the entire parcel.

**SECTION 2.** In consideration for the release and transfer authorized in section 1 by

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the Nantucket Island Land Bank to the town of Nantucket, the Nantucket Island Land Bank shall own a separate portion of this parcel, totaling approximately 20 acres, as protected open space.

**SECTION 3.** In consideration for the release and transfer authorized in section 1 by the town of Nantucket to the Nantucket Island Land Bank, the town of Nantucket shall own a separate portion of this parcel, totaling approximately 40 acres, including the property interests it may purchase or take by eminent domain from the unknown owners in accordance with chapter 79 of the General Laws, for municipal purposes.

**SECTION 4.** This act shall take effect upon its passage.

Approved November 15, 2007.

**Chapter 164. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DOROTHY LAFRATTA, AN EMPLOYEE OF THE DEPARTMENT OF TRANSITIONAL ASSISTANCE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of transitional assistance shall establish a sick leave bank for Dorothy LaFratta, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Dorothy LaFratta. Whenever Dorothy LaFratta terminates employment with the department or requests to dissolve the sick leave bank, the remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved November 15, 2007.

**Chapter 165. AN ACT EXEMPTING BRIAN J. DONOGHUE FROM THE MAXIMUM AGE REQUIREMENTS FOR APPOINTMENT AS A FIREFIGHTER IN THE TOWN OF NORWOOD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as firefighter, Brian J.

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Donoghue, of the town of Norwood shall be eligible for certification and appointment to the fire department of the town of Norwood if he meets all other requirements for certification and appointment to this position.

**SECTION 2.** This act shall take effect upon its passage.

Approved November 15, 2007.

**Chapter 166. AN ACT RELATIVE TO THE FINANCING OF A CONTRACT  
TERMINATION CHARGE INCURRED BY THE TOWN OF  
NORWOOD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 44 of the General Laws, the town of Norwood may borrow, at 1 time or from time to time, such sums of money as may be necessary, not to exceed an aggregate amount of \$80,000,000, for the purpose of paying costs incurred by the town's electric light department pursuant to the contract termination charge issued by National Grid USA Service Company, Inc. and approved by the Federal Energy Regulatory Commission. The costs shall include, without limitation, the costs of any court judgment or settlement amount, including interest charges, and any legal or other costs directly related or incidental thereto, regardless of whether incurred before or after the effective date of this act. Each authorized issue shall constitute a separate loan, each such loan shall be payable within 15 years from its date and indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws, however, except as provided herein, it shall otherwise be subject to said chapter 44. Notwithstanding section 19 of said chapter 44, or any other general or special law to the contrary, the maturities of indebtedness incurred under this act may be arranged so that, for each issue, the amounts payable in the several years for principal and interest combined shall be, in the opinion of the officers authorized to issue said bonds, as nearly equal as practicable or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal.

**SECTION 2.** The votes of the town passed under articles 1 and 2 of the warrant for the annual town meeting, held on May 14, 2007, providing, among other things, for the authorization of \$80,000,000 in bonds for the payment of the costs described in section 1, are hereby ratified and confirmed in all respects.

**SECTION 3.** This act shall take effect upon its passage.

Approved November 15, 2007.



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**Chapter 167. AN ACT AUTHORIZING THE CONVEYANCES OF CERTAIN EASEMENTS IN THE TOWNS OF LYNNFIELD, SAUGUS AND WAKEFIELD TO THE TENNESSEE GAS PIPELINE COMPANY.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the conveyances of certain easements in the towns of Lynnfield, Saugus and Wakefield, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Saugus may convey by deed a permanent easement 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch pipeline, more or less, in, under and through a parcel of land managed and controlled by the Saugus Conservation Commission for conservation purposes located in the town of Saugus, together with temporary work space for construction and restoration purposes of approximately 0.6 acres and a temporary right to use a pre-existing road approximately 10 feet wide for vehicular access during construction and restoration, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the town entitled "Essex-Middlesex Project, Proposed 24" Main Line, Town of Saugus, Essex County, Massachusetts, TE-T12-270C-1200-1.00." The right to use the temporary work space shall expire upon completion of construction and restoration.

The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 2.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey by deed, a permanent easement up to 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch pipeline, more or less, in, under and through the land known as the Breakheart Reservation managed and controlled by the department of conservation and recreation for conservation and recreation purposes and located in the town of Saugus, together with temporary work space for construction and restoration purposes of approximately 0.06 acres immediately adjacent to the proposed permanent easement, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the department of conservation and recreation entitled "Essex-Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts (Breakheart Reservation), Essex County, Massachusetts, TE-T12-270C-1200-47.00A." The right to use the temporary work space shall expire upon completion of construction and restoration. Minor modifications to the easement description set forth in the plan described

above may be made in order to conform with a final land survey, as accepted by the commissioner of capital asset management and maintenance prior to any conveyance to carry out the purposes of this section.

The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 3.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey by deed, a permanent easement 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch pipeline, more or less, in, under and through a parcel of land managed and controlled by the department of conservation and recreation for conservation and recreation purposes and located in the town of Wakefield, together with temporary work space for construction and restoration purposes of approximately 1.2 acres immediately adjacent to the proposed permanent easement, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the department of conservation and recreation entitled "Essex-Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts (Breakheart Reservation), Middlesex County, Massachusetts, TE-T12-270C-1200-47.00B." The right to use the temporary work space shall expire upon completion of construction and restoration. Minor modifications to the easement description set forth in the plan described above may be made in order to conform with a final land survey, as accepted by the commissioner of capital asset management and maintenance prior to any conveyance to carry out the purposes of this section.

The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 4.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey by deed, a permanent easement 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch pipeline, more or less, in, under and through a parcel of land managed and controlled by the department of conservation and recreation for conservation and recreation purposes and located in the town of Saugus, together with temporary work space for construction and restoration purposes of approximately 0.33 acres immediately adjacent to the proposed permanent easement, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the department of conservation and recreation entitled "Essex-Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts (Breakheart Reservation), Essex County, Massachusetts, TE-T12-270C-1200-52.00." The right to use the temporary work space shall expire upon completion of construction and restoration. Minor modifications to

the easement description set forth in the plan described above may be made in order to conform with a final land survey, as accepted by the commissioner of capital asset management and maintenance prior to any conveyance to carry out the purposes of this section.

The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 5.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey by deed, a permanent easement 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch pipeline, more or less, in, under and through a parcel of land managed and controlled by the department of conservation and recreation for conservation and recreation purposes and located in the town of Saugus, together with temporary work space for construction and restoration purposes of approximately 2.4 acres immediately adjacent to the proposed permanent easement and a temporary right to use a pre-existing road approximately 10 feet wide for vehicular access during construction and restoration, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the department of conservation and recreation entitled "Essex-Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts (Breakheart Reservation), Essex County, Massachusetts, TE-T12-270C-1200-54.00." The right to use the temporary work space shall expire upon completion of construction and restoration. Minor modifications to the easement description set forth in the plan described above may be made in order to conform with a final land survey, as accepted by the commissioner of capital asset management and maintenance prior to any conveyance to carry out the purposes of this section.

The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 6.** Notwithstanding any general or special law to the contrary, the town of Wakefield may convey by deed, a permanent easement 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch pipeline, more or less, in, under and through a parcel of land managed and controlled by the Wakefield Conservation Commission for conservation purposes located in the town of Wakefield, together with temporary work space for construction and restoration purposes of approximately 1.7 acres, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the town of Wakefield entitled "Essex-Middlesex Project, Proposed 24" Main Line, Town of Wakefield Conservation Commission, Middlesex County, Massachusetts, TE-T12-270C-1200-77.00." The right to use the temporary work space shall expire upon completion of construction and restoration.



The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 7.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the adjutant general, may convey by deed, a permanent easement 30 feet in width lying 15 feet to either side of the Tennessee Gas Pipeline Company's proposed 24-inch and 12-inch pipelines, along with a proposed 50-foot by 100-foot receiver site, more or less, in, under and through a parcel of land managed and controlled by the military division for military purposes located in the town of Lynnfield, together with temporary work space for construction and restoration purposes of approximately 8 acres immediately adjacent to the proposed permanent easement and a temporary right to use a pre-existing road approximately 10-feet wide for vehicular access during construction and restoration and a permanent right to use a pre-existing road and a new road each approximately 10-feet wide for vehicular access for operations and maintenance purposes, to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the military division entitled "Essex-Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts, Essex County, Massachusetts, TE-T12-270C-1200-92.00." The right to use the temporary work space shall expire upon completion of construction and restoration. Minor modifications to the easement description set forth in the plan described above may be made in order to conform with a final land survey, as accepted by the commissioner of capital asset management and maintenance prior to any conveyance to carry out the purposes of this section.

The easement shall be used to lay, construct, maintain, operate, repair, change the size of, remove or replace the gas transmission line which shall be installed underground, together with appliances and appurtenances necessary thereto.

**SECTION 8.** Notwithstanding any general or special law to the contrary, there shall be independent appraisals of the easements described in sections 2, 3, 4, 5 and 7 to be conveyed as authorized by this act to determine the diminution in value to the respective properties as a result of the granting of those easements, based upon professional appraisals. In order to expedite said conveyances, the commissioner of capital asset management and maintenance may, in consultation with the commissioner of conservation and recreation or the adjutant general, as the case may be, accept appraisals of the easements that may have been conducted before the effective date of this act that may have been accepted and agreed to by the department of conservation and recreation or the military division. In consideration of the conveyance of the easements authorized in said sections 2, 3, 4, 5 and 7, the Tennessee Gas Pipeline Company shall compensate the commonwealth in an amount at least equal to or greater than the full and fair market value of the diminution, as determined by the independent appraisals. The Tennessee Gas Pipeline Company shall assume all reasonable costs associated with any engineering, surveys, appraisals, deed preparation and other expenses



deemed necessary by the commissioner of capital asset management and maintenance to execute the conveyances authorized in said sections 2, 3, 4, 5 and 7. All monies paid to the commonwealth by the Tennessee Gas Pipeline Company as a result of the conveyances of the easements authorized in said sections 2, 3, 4 and 5 shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws for the benefit of Breakheart Reservation.

The commissioner of capital asset management and maintenance shall submit the appraisals and a report thereon to the inspector general for his review and comment. The inspector general shall review and approve the appraisals. The review shall include an examination of the methodology used for the appraisals. The inspector general shall, within 30 days after receipt of the appraisals and the reports thereon, prepare a report of his review and file the report with the commissioner. The commissioner shall then submit that report to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets. The commissioner shall submit copies of the appraisals, his report thereon and the inspector general's review and approval, together with comments, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets before the execution of the conveyances.

**SECTION 9.** Notwithstanding any general or special law to the contrary, no instruments conveying, by or on behalf of the commonwealth, an easement described in section 2, 3, 4, 5 or 7 shall be valid unless the instrument provides that the easement shall be used solely for the purposes described in said sections 2, 3, 4, 5 or 7, as the case may be. The easement instrument shall state that if the pipeline within the easement is abandoned by the Tennessee Gas Pipeline Company, or its successors or assigns, and the same is approved by the Federal Energy Regulatory Commission, the easements shall revert to the commonwealth under the control of and used by the department of conservation and recreation or the adjutant general, as the case may be, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine. If an easement granted pursuant to said sections 2, 3, 4, 5 or 7 reverts to the commonwealth, any further disposition of the easement shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and the prior approval of the general court.

Approved November 15, 2007.

## **Chapter 168. AN ACT RELATIVE TO THE LICENSING REQUIREMENTS FOR CERTAIN TIDELANDS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Whereas, the deferred operation of this act would defeat its purpose, which is to exempt structures, uses and activities within landlocked tidelands from licensing under chapter 91 of the General Laws, while ensuring that certain public trust rights to landlocked tidelands and other tidelands are properly evaluated and addressed through state environmental review; and

Whereas, the supreme judicial court has held that the department of environmental protection lacks statutory authority to exempt landlocked tidelands from the licensing requirements established by chapter 91 of the General Laws; and

Whereas, the supreme judicial court has stated with respect to legislation dealing with public assets that: (i) the legislation must be explicit concerning the land involved; (ii) it must acknowledge the interest being surrendered; (iii) it must recognize the public use to which the land is to be put; (iv) the action must be for a valid public purpose; and (v) where there may be benefits to private parties, those private benefits must not be primary but merely incidental to the achievement of the public purpose; and

Whereas, exempting existing and future uses, structures, and improvements on landlocked tidelands from the licensing requirements established by chapter 91 of the General Laws, serves proper public purposes, including, but not limited to, maintaining marketable titles, continuing the beneficial redevelopment and revitalization of landlocked tidelands, and encouraging public access to the waterfront; and

Whereas, the benefits to private parties are not primary but rather are incidental to the achievement of the public purposes.

**SECTION 2.** Section 61 of chapter 30 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "grounds " in line 16, the following words:- , reduction of groundwater levels, impairment of water quality, increases in flooding or storm water flows.

**SECTION 3.** Said chapter 30 is hereby further amended by inserting after section 62H the following section:-

Section 62I. A person who is proposing a new use or structure or modification of an existing use or structure within landlocked tidelands as defined in section 1 of chapter 91 that is otherwise required to file an environmental notification form pursuant to section 62A and files an environmental notification form on or after November 15, 2007, shall comply with the requirements of this paragraph. The environmental notification form, and an environmental impact report required pursuant to section 62B, if applicable, shall include an explanation of the project's impact on the public's right to access, use and enjoy tidelands that are protected by chapter 91, and identify measures to avoid, minimize, or mitigate any adverse impact on such rights set forth herein. If the project is located in an area where low groundwater levels have been identified by a municipality or by a state or federal agency as a threat to building foundations, the environmental notification form and an environmental

impact report if the latter is required, shall also include an explanation of the project's impact on groundwater levels, and identification and commitment to taking measures to avoid, minimize, or mitigate any adverse impact on groundwater levels. Any measures identified by the secretary under this section shall be set forth in a certificate on the environmental notification form or a certificate on the environmental impact report, if the latter is applicable. Within 30 days after a certificate is issued under this paragraph, the proponent of the project shall file with the department of environmental protection a completed form notifying the department that work will be conducted within landlocked tidelands, and shall attach the Massachusetts environmental policy act certificate to the form. The person who is proposing shall comply with all obligations set forth in the certificate under this section, and the department shall have the authority to enforce such conditions consistent with this chapter.

**SECTION 4.** Section 1 of chapter 91 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the definition of "Department" the following definition:-

"Landlocked tidelands", filled tidelands, which on January 1, 1984 were entirely separated by a public way or interconnected public ways from any flowed tidelands, except for any portion of such filled tidelands that are presently located: (a) within 250 feet of the high water mark of flowed tidelands; or (b) within any designated port area under the Massachusetts coastal zone management program. For the purposes of this definition, a public way may also be a landlocked tideland, except for any portion thereof which is presently within 250 feet of the high water mark of flowed tidelands.

**SECTION 5.** Said section 1 of said chapter 91, as so appearing, is hereby further amended by inserting after the definition of "Private tidelands" the following definition:-

"Secretary," the secretary of the executive office of energy and environmental affairs.

**SECTION 6.** Section 18 of said chapter 91, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

No license shall be required under this chapter for fill on landlocked tidelands, or for uses or structures within landlocked tidelands.

**SECTION 7.** Said section 18 of said chapter 91, as so appearing, is hereby further amended by inserting after the word "tidelands", in lines 52 and 53, the following words:-  
, except for landlocked tidelands.

**SECTION 8.** Said chapter 91 is hereby further amended by inserting after section 18A the following section:-

Section 18B. (a) The secretary shall serve as the administrator of tidelands. The secretary may appoint an individual or individuals to assist him in carrying out the duties of his office. The duties of this office may be exercised in combination with other duties, as the secretary shall see fit.

(b) The secretary shall conduct and complete a public benefit review for any proposed project that is: (i) subject to the licensing provisions of section 13 or 18; or (ii) geographically located on landlocked tidelands, and in either case is required to file hereafter



an environmental impact report pursuant to chapter 30. The secretary may conduct and complete a public benefit review for any proposed project that is: (i) subject to the licensing provisions of said section 13 or 18; or (ii) geographically located on landlocked tidelands and in either case is required to file hereafter an environmental notification form pursuant to chapter 30. The public benefit determination of the secretary shall not supersede said chapter 30 or this chapter or any rules or regulations promulgated pursuant thereto and shall not delay the issuance of a license pursuant to this chapter or the completion of a review or any step thereof pursuant to said chapter 30. At the completion of said review, the secretary shall make a public benefit determination, the goal of which shall be to publish on the public record a written public benefit determination of the project.

In making said public benefit determination, the secretary shall consider the purpose and effect of the development; the impact on abutters and the surrounding community; enhancement to the property; benefits to the public trust rights in tidelands or other associated rights, including, but not limited to, benefits provided through previously obtained municipal permits; community activities on the development site; environmental protection and preservation; public health and safety; and the general welfare; provided further, that the secretary shall also consider the differences between tidelands, landlocked tidelands and great ponds lands when assessing the public benefit and shall consider the practical impact of the public benefit on the development.

The secretary shall promulgate regulations that may, among other things, exempt from the public benefit determination process the development of certain parcels of land, or certain activities, uses and structures on the land that are determined to be of *de minimus* impact. The regulations shall also establish timelines and procedures for the public benefit review, and the regulations may combine the public benefit review with the environmental review under chapter 30.

Any state or local agency holding a public comment period pursuant to chapter 30 or this chapter shall provide copies of all written testimony submitted during said public comment period to the secretary.

The secretary shall provide the determination of public benefit to the department, and if there is an appeal of a decision or license issued by the department, to the division of administrative law appeals.

The department shall incorporate the public benefit determination of the secretary in the official record.

(c) The secretary shall designate an individual to serve as the chapter 91 public information officer. The chapter 91 public information officer shall answer questions about the chapter 91 process, providing history and context regarding chapter 91 and the public benefits process as it pertains to this chapter.

**SECTION 9.** Notwithstanding any general or special law to the contrary, the fourth paragraph of section 18 of chapter 91 of the General Laws, inserted by section 6, shall apply to all fill, uses and structures, whether existing before, on or after the effective date of this act.



**SECTION 10.** Notwithstanding any general or special law to the contrary, regulations issued by the department of environmental protection exempting landlocked tidelands from licensing before the effective date of this act are hereby validated and confirmed as if this act had been in effect when such regulations and determinations of applicability were issued. Any fill, use or structure developed pursuant to such regulations shall not be subject to challenge on the ground that the department of environmental protection lacked the authority to issue such regulations and, any fill, use or structure hereafter developed pursuant to any such previously issued determination of applicability in the negative shall not be subject to review under chapter 91 of the General Laws.

**SECTION 11.** The department of environmental protection shall undertake a study of ground and surface water flow and drainage in the sections of the cities of Cambridge, Somerville and Boston formerly identified as the Miller's River. This report shall be filed with the clerks of the house of representatives and the senate on or before December 31, 2008, and an interim report shall be filed on or before April 1, 2008.

Approved November 15, 2007.

**Chapter 169. AN ACT RELATIVE TO PROPERTY TAX CLASSIFICATION IN CITIES AND TOWNS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate property tax classifications in cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 3 of the acts of 2004 is hereby repealed.

**SECTION 2.** This act shall be effective for taxable years beginning on or after July 1, 2007.

Approved November 16, 2007.

**Chapter 170. AN ACT AUTHORIZING THE TOWN OF REHOBOTH TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the

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licensing authority of the town of Rehoboth may grant to Azevedo's Mini Market Ltd., 537 Winthrop street in said town, a license for the sale of all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17.

Notwithstanding any general or special law or rule or regulation to the contrary, the licensing authority of the town of Rehoboth shall not approve the transfer of the license to any other location. The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Rehoboth. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** Upon issuance of the license for the sale of all alcoholic beverages not to be drunk on the premises to Azevedo's MiniMarket Ltd., pursuant to section 1, Azevedo's Mini Market Ltd. shall return to the town the license for the sale of wines and malt beverages that it presently holds.

**SECTION 3.** This act shall take effect upon its passage.

Approved November 19, 2007.

## **Chapter 171. AN ACT RELATIVE TO THE ASSESSMENT OF TAXES IN THE TOWN OF UXBRIDGE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 2A, 2D, 18 and 38 of chapter 59 of the General Laws or any other general or special law to the contrary, the town of Uxbridge, acting by and through its board of assessors, shall determine the assessed valuation of any real or personal property damaged or destroyed by the fire of July 21, 2007 at the Bernat Mill complex in the town of Uxbridge immediately after the fire, and this valuation shall be considered the assessed valuation of the property as of January 1, 2007 for purposes of assessing taxes for the fiscal year beginning on July 1, 2007.

**SECTION 2.** This act shall take effect upon its passage

Approved November 19, 2007.

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**Chapter 172. AN ACT RELATIVE TO A CERTAIN PARCEL OF LAND AND AN EASEMENT THEREON IN THE CITY OF MARLBOROUGH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 40F to 40I, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, subject to the approval of the commissioner of conservation and recreation and the Massachusetts Water Resources Authority, may: (a) convey a fee interest in a parcel of land, currently under the care and control of the department of conservation and recreation for watershed and water supply protection purposes, and described as parcel Seventh in Division A. Brook in the city of Marlborough in an instrument of taking recorded with the Middlesex south district registry of deeds in book 2635, page 1, to the holder of an easement thereon, which easement is recorded with the Middlesex South District Registry of Deeds in Book 4490, Page 167, and the easement shall be extinguished. In any deed conveying such parcel, the commissioner of capital asset management and maintenance shall retain on behalf of the commonwealth, under the care and control of the department of conservation and recreation, a perpetual watershed preservation restriction acceptable to the department of conservation and recreation within the meaning of chapter 92A½ and sections 31 and 32 of chapter 184 of the General Laws; or (b) amend the easement to: (i) authorize the parcel to be used for residential and commercial uses, subject to the review and jurisdiction of the city of Marlborough; (ii) maintain, repair, renew and replace the buildings and to occupy and use the land for any legal and proper purpose, including residential and commercial use; (iii) extinguish the restrictions stated in sections 2, 3 and 9 of the easement; and (iv) add restrictions to require that no new buildings, structures or impervious surfaces shall be erected on, over or within the easement area, except as permitted in the site plan approved by the city of Marlborough. Other than within the building located on the premises on the effective date of this act, no alterations shall be allowed within 20 feet of any open portion of the stream located on the parcel. Any alteration, construction, repair, renewal or replacement of buildings must comply with the Massachusetts Stormwater Standards, as implemented by the department of environmental protection and the local conservation commission.

**SECTION 2.** In consideration for the transaction authorized in section 1, the easement holder shall compensate the commonwealth in an amount not less than the full and fair market value, or the value in use as proposed, whichever is greater, of the proposed amended easement or fee interest, whichever transaction may be agreed upon by the parties, less the value of the easement as held, and in consideration of the value of the watershed preservation restriction if so retained by the commonwealth, as determined by the commissioner pursuant to 1 or more independent professional appraisals. Any consideration received by the commonwealth pursuant to this act shall be deposited in the Water Supply Protection Trust, established in section 73 of chapter 10 of the General Laws.

**SECTION 3.** The department of conservation and recreation may enter into a license agreement with the easement holder to authorize activities and uses contemplated under this

act, but which may be contrary to the easement as recorded, while the division of capital asset management and maintenance is implementing this act and any due diligence is developed, except that any such license agreement shall consider and protect water supply and watershed protection and management interests, as determined by said department.

**SECTION 4.** The easement holder shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the transfers and conveyances authorized by this act as such costs may be determined by the commissioner of capital asset management and maintenance.

Approved November 19, 2007.

### **Chapter 173. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF LEOPOLDVILLE DISASTER REMEMBRANCE DAY.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the annual observance of Leopoldville Disaster Remembrance Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15CCCCC, inserted by chapter 114 of the acts of 2007, the following section:-

**Section 15DDDDD.** The governor shall annually issue a proclamation setting apart December 24 as Leopoldville Disaster Remembrance Day, in recognition of the victims and survivors of the S.S. Leopoldville disaster of December 24, 1944, and recommending that the day be observed in an appropriate manner by the people.

Approved November 20, 2007.

### **Chapter 174. AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR 2008 TO PROVIDE SUPPLEMENTAL FUNDING FOR A LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.**

*Be it enacted, etc., as follows:*

#### **SECTION 1.**

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, the sum set forth in this section is hereby appropriated from the General Fund, for the several purposes and subject to the conditions specified in this section and subject to the



laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of this item.

7004-1000 For a 1 time state supplement to the federal Low Income Home Energy Assistance Program, 42 U.S.C. sections 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane and natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in a manner consistent with the state plan submitted by the department of housing and community development in accordance with the federal program; provided further, that the department shall establish the maximum assistance for which a household shall be eligible commensurate with the increased funding provided in this item; and provided further, that the department may increase maximum assistance for which a household shall be eligible to reflect the needs of those households . . . . . \$15,000,000.

SECTION 3. This act shall take effect upon its passage.

Approved November 20, 2007.

**Chapter 175. AN ACT RELATIVE TO THE GRAFTON AND SOUTH GRAFTON WATER DISTRICTS.**

*Be it enacted, etc., as follows:*

Section 1 of chapter 135 of the acts of 1984, as amended by section 1 of chapter 427 of the acts of 1987, is hereby further amended by inserting after the word “beginning,” in line 63, the following words:- but not to include within said boundary lines the area described as follows: beginning at the point of intersection of the above described boundary and the boundary of the South Grafton Water District, established by chapter 485 of the acts of 1948, said point being two hundred feet east of Providence road, fifteen hundred feet north of the intersection of Cross street and Providence road and located along the southern boundary of property now or formerly of New England Power Company as described in a deed recorded with the Worcester District Registry of Deeds (the “Registry”) in book 4483, page 111, and the northern boundary of property now or formerly of New England Power Company as described in a deed recorded with the Registry in book 4707, page 239, and located in the centerline of an easement held now or formerly by Massachusetts Electric Company in, over and through both properties; thence easterly through property now or formerly of Primo Borelli, III, and Laura A. Borelli, as described in a deed recorded with the

Registry in book 10979, page 29, and along the southern sideline of a 375 foot-wide easement held now or formerly by New England Power Company (the "N.E.P. Co. Easement") as said easement crosses over and through said property; thence easterly through property now or formerly of Robert Huchowski and Stephen A. Huchowski, as described in a deed recorded with the Registry in book 18522, page 19, and along the southern sideline of the N.E.P. Co. Easement as it crosses over and through said property; thence easterly through property now or formerly of Edna R. Sinclair, as described in a deed recorded with the Registry in book 2796, page 246, and along the southern sideline of the N.E.P. Co. Easement as it crosses over and through said property; thence easterly through property now or formerly of Susan Wright, et al., as trustees, as described in a deed recorded with the Registry in book 18507, page 193, and continuing along the southern sideline of the N.E.P. Co. Easement as it crosses over and through said property; thence easterly through property now or formerly of Raymond S. Slanda and Evelyn M. Slanda, as described in a deed recorded with the Registry in book 4310, page 325, and along the southern sideline of the N.E.P. Co. Easement as it crosses over and through said property; thence easterly through property now or formerly of Susan Wright, et al., as trustees, as described in a deed recorded with the Registry in book 18507, page 171, and along the southern sideline of the N.E.P. Co. Easement as it crosses over and through said property; thence easterly through property now or formerly of David Mason and Karen E. Mason, as described in a deed recorded with the Registry in book 26418, page 188, and along the southern sideline of N.E.P. Co. Easement as it crosses over and through said property; thence turning in a southeasterly direction, traveling through said property of David Mason and Karen E. Mason and along the western sideline of an easement held now or formerly by New England Telephone and Telegraph ("NET&T Easement") as it crosses over and through said property; thence southeasterly through property now or formerly of Henry J. McNamara Jr. and Margaret A. McNamara, as described in a deed recorded with the Registry in book 4580, page 123, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly through said property now or formerly of David Mason and Karen E. Mason along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly through property now or formerly of William J. Mahoney, as described in a deed recorded with the Registry in book 22615, page 283, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly through property now or formerly of Adam Sidman and Kristen Sidman, as described in a deed recorded with the Registry in book 22598, page 124, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly across Keith Hill road; thence southeasterly through property now or formerly of Neil John Howard and Elizabeth P. Howard, as described in a deed recorded with the Registry in book 4903, page 175, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly through land now or formerly of the Grafton Land Trust, Inc., as described in a deed recorded with the Registry

in book 4670, page 379, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly through land now or formerly of the Grafton Land Trust, Inc., as described in a deed recorded with the Registry in book 14655, page 283, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence southeasterly through property now or formerly of Brookmeadow Village, LLC, as described in a deed recorded with the Registry in book 32454, page 99, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence, southeasterly along the eastern boundary of property now or formerly of Brookmeadow Village, LLC, as described in a deed recorded with the Registry in book 31870, page 63, and along the western sideline of the NET&T Easement as it crosses over and through said property; thence turning in a westerly direction and traveling along the southern property line of said property of Brookmeadow Village, LLC and the northern property line of a parcel of land now or formerly of the town of Grafton, as described in a deed recorded with the Registry in book 21834, page 150; thence along the northern property line of a parcel of land now or formerly of the town of Grafton, as described in a deed recorded with the Registry in book 2824, page 255; thence southerly along the western boundary of said parcel of the town of Grafton to Milford road; thence southerly across Milford road; thence turning westerly and traveling along the southern sideline of Milford road as it bounds the northern property line of property now or formerly of Ultra Development Corporation, described as "Parcel 1" in a deed recorded with the Registry in book 8868, page 67; thence westerly along the southern sideline of Milford road as it bounds the northern property line of property now or formerly of Oak Knoll Estates Condominium as described in a master deed recorded with the Registry in book 11670, page 210; thence westerly approximately 300 feet along the southern sideline of Milford road as it bounds property now or formerly of Richard S. Guyette and Dawne Guyette, as described in a deed recorded with the Registry in book 7661, page 297; thence turning southerly and traveling approximately 175 feet along the western property line of said property of Richard S. Guyette and Dawne Guyette and the eastern boundary of property now or formerly of Susan M. Boutiette, as trustee of the Boutiette Family Trust, as described in a deed recorded with the Registry in book 23679, page 207; thence turning southeasterly and traveling approximately 72.24 feet along the eastern property line of property now or formerly of Ultra Development Corporation, as described in a master deed recorded with the Registry in book 9488, page 229; thence turning southwesterly and traveling approximately 52.38 feet along the southern property line of said property of Ultra Development Corporation; thence turning southeasterly and traveling approximately 181.14 feet along the eastern property line of property now or formerly of A. Malcolm Mager, Jr., as trustee of Mager Realty Trust, as described in a deed recorded with the Registry in book 9009, page 239; thence turning southwesterly and traveling approximately 124.87 feet along the southern property line of said property of A. Malcolm Mager, Jr., as trustee of Mager Realty Trust; thence turning southeasterly and traveling approximately 66.4 feet along the eastern property line of land



now or formerly of Amelia Gendron, as described in a deed recorded with the Registry in book 12705, page 340; thence southeasterly approximately 170.3 feet along the eastern property line of land now or formerly of William Blair and Sarah Blair and Janet B. Keay, as described in a master deed recorded with the Registry in book 9950, page 94; thence southeasterly through land now or formerly of Patrick H. Mahoney and Kathleen M. Michniewicz, as described in a deed recorded with the Registry in book 13068, page 293, and southeasterly through an easement over said land held now or formerly by Tenneco to a stone bound located at the southeasterly corner of the boundary with the South Grafton Water District and along the Grafton-Northbridge town line, said land area being shown on a plan entitled, "Boundary Plan, Grafton Water District", dated April 24, 2003, and on file with the Grafton Water Department-.

Approved November 20, 2007.

## **Chapter 176. AN ACT FURTHER REGULATING SEWER CONNECTIONS IN THE TOWN OF CHARLTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 3 of chapter 83 of the General Laws or any general or special law, rule or regulation to the contrary, the town of Charlton board of water and sewer commissioners, in this act called the "board" or "water and sewer commission", and which in this act shall also mean any other board or officer having charge of the repair and maintenance of sewers in the town of Charlton, may, in its discretion, allow buildings upon land abutting upon a public or private way in which a common sewer has been laid to be connected with that sewer, but shall not be obligated to allow these connections, except with respect to requests for connections for residential use for which a sewer betterment has been assessed, which shall be permitted in accordance with section 3 of chapter 83 of the General Laws. In exercising its discretion under this section, the commission shall consider matters involving the capacities and capabilities of the town's wastewater treatment plant, sewage and other infrastructure and equipment, and the desirability of prioritizing connections for commercial and residential properties within the original planned service area, as well as those with on-site septic systems that are in failure or at risk of failing.

**SECTION 2.** No owner of land connected to the common sewer shall reconstruct, enlarge, alter or renovate an existing structure on that land or expand, change or alter an existing use of that land without a permit from the board. The board may permit continued use of an existing sewer connection, but shall not be obligated to do so. No permit under this section shall be required for the reconstruction, change or alteration of existing single or two-family residential structures if the reconstruction, enlargement, alteration or renovation will not change the use of the property or increase the number of living units in the existing structure.



**SECTION 3.** Notwithstanding any general or special law, rule or regulation to the contrary, the town of Charlton may establish a special account to be known as the town of Charlton Sewer System Capital Improvement Fund in this act called the Sewer Fund. The purpose of the Sewer Fund is to provide revenue for the increase of capacity of the system and to remedy and prevent any and all forms of infiltration or inflow from groundwater and other sources of flow or leakage into the system. The Sewer Fund shall be maintained by the treasurer of the town of Charlton, and expenditures therefrom shall be made subject to appropriation initiated by the water and sewer commission and approved by a majority vote of the town meeting.

**SECTION 4.** Payments to the Sewer Fund shall be made by applicants for connection to the common sewer, pursuant to section 1, and those applicants required to obtain a permit for increased use of existing connections, pursuant to section 2. The water and sewer commission shall assess a sewer improvement fee for all connections to the common sewer or increased use of existing connections, including those which will generate a sewage design flow in excess of the sewage design flow contemplated for the relevant property at the time of assessment of a betterment assessment or privilege fee upon the relevant property, if any, including, without limitation, the betterment assessment made on or about August 22, 2003.

The amount of these payments from private sources shall be as determined by a schedule of fees to be set by the water and sewer commission. The schedule shall provide for the method of determining the amount of each payment from applicants based upon their anticipated sewage flow. The sewer improvement fee assessed shall be proportionate to the total estimated cost to the town of designing, constructing, reconstructing, reducing infiltration or inflow or expanding capacity of the wastewater treatment plant serving the Charlton sewer system, pumping stations and related facilities, to handle an incremental amount of wastewater equal to the excess flow to be generated by the property or by the increase in use of the property and shall be proportionate to the betterments and privilege fees previously assessed, or the sewer improvement fee assessed under this act, upon other property owners for such improvements.

**SECTION 5.** All sewer improvement fees collected shall be deposited into the Sewer Fund. Monies deposited into the Sewer Fund shall be used only for the purposes set forth in this act, as may be determined by the board. The board may accept grants or gifts for deposit into the Sewer Fund. The treasurer of the town of Charlton may invest monies in the Sewer Fund, and the income and interest accruing shall inure to the benefit of the Sewer Fund.

**SECTION 6.** Additional appropriations may be made by a majority vote of town meeting into the Sewer Fund for the purposes set forth in this act.

**SECTION 7.** The water and sewer commission may make applications for available state and federal government grants for the engineering, construction and rehabilitation of wastewater treatment works, pumping stations and facilities, and to pledge any and all such

sums of money in the Sewer Fund with the approval of the town meeting for any such matching grants for such purposes.

**SECTION 8.** The town accountant shall file jointly with the water and sewer commission and the treasurer, a written report relative to the Sewer Fund. The report shall be made within 120 days after the books of account are closed for each fiscal year.

**SECTION 9.** The water and sewer commission may adopt rules and regulations for the implementation and administration of the Sewer Fund and to set fees, and may adopt other rules and regulations as may be in furtherance of its responsibilities and the purpose of this act.

Approved November 20, 2007.

**Chapter 177. AN ACT FURTHER REGULATING WATER SUPPLY CONNECTIONS IN THE TOWN OF CHARLTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, the Charlton water and sewer commission in this act called the “board” or “water and sewer commission”, and which in this act shall mean any other board or officer having charge of the repair and maintenance of public water supply pipes in the town of Charlton, may allow land abutting upon a public or private way in which a public water supply pipe has been laid to be connected with that water supply pipe, but shall not be obligated to allow these connections, except with respect to requests for connections for residential use, for which a water betterment has been assessed.

**SECTION 2.** Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, no owner of land connected to the public water supply shall reconstruct, enlarge, alter or renovate an existing structure on that land or expand, change or alter an existing use of that land without a permit from the board. The board may permit continued use of an existing water connection, but shall not be obliged to do so if due to reconstruction, enlargement, alteration or renovation of an existing structure or expansion, change or alteration of an existing use, the water flow for the improvements upon the land served by the existing connection would increase above the existing water flow. No permit under this section shall be required for the reconstruction, enlargement, alteration, or renovation of existing single or two-family residential structures if the reconstruction, enlargement, alteration, or renovation will not change the use of the property or increase the number of living units in the existing structure.

**SECTION 3.** Notwithstanding any general or special law, rule or regulation to the contrary, the town of Charlton may establish a special account to be known as the town of

Charlton Water System Capital Improvement Fund in this act called the "Water Fund". The purpose of the Water Fund is to provide the revenue for the increase of capacity of the system to supply water. The Water Fund shall be maintained by the treasurer of the town of Charlton, and expenditures from the fund shall be made subject to appropriation initiated by the Charlton water and sewer commission and approved by a majority vote of the town meeting.

**SECTION 4.** Payments to the Water Fund shall be made by applicants for connection to the public water supply, pursuant to section 1, and those applicants required to obtain a permit for increased use of existing connections, pursuant to section 2. The water and sewer commissioners shall assess a water improvement fee for all connections to the public water supply or increased use of existing connections, including those which will generate a water flow in excess of the water flow contemplated for the relevant property at the time of assessment of a betterment assessment or privilege fee upon the relevant property, if any.

The amount of these payments from private sources shall be as determined by a schedule of fees to be set by the water and sewer commission. The schedule shall provide for the method of determining the amount of each payment from applicants based upon their anticipated water flow. The water improvement fee assessed shall be proportionate to the total estimated cost to the town of designing, constructing, reconstructing or expanding capacity of the water works serving the Charlton water system, wells, well fields, storage tanks, pumping stations and related facilities, to handle an incremental amount of water equal to the excess flow to be generated by the property or by the increase in use of the property and shall be proportionate to the betterments and privilege fees previously assessed, or the water improvement fee assessed under this act, upon other property owners for such improvements.

**SECTION 5.** All water improvement fees collected shall be deposited into the Water Fund. Monies deposited into the Water Fund shall be used only for the purposes set forth in this act, as may be determined by the board. The board may accept grants or gifts for deposit into the fund. The treasurer of the town of Charlton may invest monies in the special accounts, and the income and interest accruing shall inure to the benefit of the special accounts.

**SECTION 6.** Additional appropriations may be made by a majority vote of town meeting into the Water Fund for the purposes set forth in this act.

**SECTION 7.** The water and sewer commission may make applications for available state and federal government grants for the engineering, construction and rehabilitation of water works, pumping station and facilities, and to pledge any and all such sums of money in the Water Fund with the approval of the town meeting for any matching grants for engineering, construction and rehabilitation of water works, pumping stations and facilities.

**SECTION 8.** The town accountant shall file jointly with the water and sewer commission and the treasurer, a written report relative to the Water Fund. The report shall

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be made within 120 days after the books of account are closed for each fiscal year.

**SECTION 9.** The water and sewer commission may adopt rules and regulations for the implementation and administration of the Water Fund and to set fees, and may adopt other rules and regulations as may be in furtherance of its responsibilities and the purpose of this act.

Approved November 20, 2007.

## Chapter 178. AN ACT FURTHER REGULATING CERTAIN APPLIANCES.

*Be it enacted, etc., as follows:*

The fourth paragraph of section 5 of chapter 25B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- New medium voltage dry-type distribution transformers, single voltage external AC to DC power supplies, and state-regulated incandescent reflector lamps manufactured on or after January 1, 2008, shall not be sold or offered for sale in the commonwealth unless the efficiency of the new product meets or exceeds the efficiency standards set forth in 225 CMR 9.03.

*Emergency Letter: 12/18/2007 @ 4:51 P.M*

Approved November 20, 2007.

## Chapter 179. AN ACT RELATIVE TO THE ADMINISTRATION OF ELECTIONS TO BE HELD IN THE YEAR 2008.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to change the date of presidential preference primary, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** In accordance with section 26 of chapter 51 and section 38 of chapter 53, voters may register to vote and change party enrollment for the presidential primary to be held in 2008 until Wednesday, January 16, 2008. Registration sessions shall be held from 9:00 a.m. to 8:00 p.m. except in towns having less than 1500 voters, in which case registration sessions shall be sufficient if held from 2:00 p.m. to 4:00 p.m. and 7:00 p.m. to 8:00 p.m.

**SECTION 2.** Notwithstanding section 28 of chapter 53 of the General Laws or any general or special law to the contrary, in the year 2008, the presidential primary shall be held on Tuesday, February 5.



**SECTION 3.** Notwithstanding section 46 of chapter 53 of the General Laws or any general or special law to the contrary, for the presidential primary to be held in 2008, the deadline to submit nomination papers of candidates for president to the registrars of the cities or towns where the signers appear to be voters for certification of signatures shall be 5:00 p.m. on Tuesday, November 27, 2007, and the registrars shall complete certification no later than 5:00 p.m. on Monday, December 3, 2007.

**SECTION 4.** Notwithstanding section 48 of chapter 53 of the General Laws or any general or special law to the contrary, for the presidential primary to be held in 2008, the deadline to file nomination papers of candidates for president with the state secretary shall be 5:00 p.m. on Thursday, December 6, 2007.

**SECTION 5.** Notwithstanding section 5 of chapter 55B of the General Laws or any general or special law to the contrary, for the presidential primary to be held in 2008, the deadline to file objections to certificates of nomination or nomination papers of candidates for president with the state secretary shall be 5:00 p.m. on Friday, December 7, 2007.

**SECTION 6.** Notwithstanding section 6 of chapter 55B of the General Laws or any general or special law to the contrary, for the presidential primary to be held in 2008, the deadline for candidates for president who filed nomination papers with local registrars to apply to the registrars for a review of signatures not previously certified shall be 5:00 p.m. on Tuesday, December 4, 2007, and the deadline for the registrars to complete review of signatures not previously certified shall be 5:00 p.m. on Wednesday, December 5, 2007.

**SECTION 7.** Notwithstanding sections 34 and 70E of chapter 53 of the General Laws or any general or special law to the contrary, the state secretary may print the names of candidates for special state primaries on the same ballot for use at the presidential primary in any city or town within a district in which a special state primary is called for February 5, 2008. The appearance of the order of offices on presidential primary ballots in 2008 on which state primary candidates are also printed shall be at the discretion of the state secretary.

**SECTION 8.** Notwithstanding section 70E of chapter 53 of the General Laws or any general or special law to the contrary, for the presidential primary to be held in 2008, the chairman of the state committee of a political party and the state secretary shall submit lists or prepare lists of candidates for president to be printed on the presidential primary ballot no later than 5:00 p.m. on Thursday, December 6, 2007, and the deadline for a presidential candidate to file with the state secretary an affidavit stating that he does not desire his name printed upon the presidential primary ballot shall be 5:00 p.m. on Friday, December 7, 2007. The state secretary shall draw for the order of names of candidates for president to appear on the presidential primary ballot on Monday, December 10, 2007.

**SECTION 9.** In accordance with section 86 of chapter 54, city and town clerks shall send absentee ballot applications for the presidential primary in 2008 to each voter whose name appears on the permanently disabled voters' list by January 8, 2008.

**SECTION 10.** In accordance with section 91B of chapter 54, the last day for any two registrars or election commissioners to designate a health care facility for supervised absentee voting for the presidential primary in 2008 shall be Tuesday, January 8, 2008.

**SECTION 11.** Notwithstanding sections 9 and 10 of chapter 55B of the General Laws or any general or special law to the contrary, for the presidential primary to be held in 2008, the first day the state ballot law commission may hear objections to certificates of nomination or nomination papers of candidates for president shall be Thursday, December 13, 2007, and the commission shall render decisions on such objections no later than 5:00 p.m. on December 19, 2007.

**SECTION 12.** Notwithstanding any general or special law to the contrary, the last day to designate or change a polling place for the presidential primary shall be Wednesday, January 16, 2008.

**SECTION 13.** Notwithstanding any general or special law to the contrary, the last day to post the warrant for the presidential primary shall be Tuesday, January 29, 2008.

**SECTION 14.** Notwithstanding any general or special law to the contrary, the state secretary shall have the authority to add or change any dates relating to the presidential primary held on February 5, 2008 as he deems necessary for the orderly administration of the election by providing notice of such change to any affected person, by filing notice with the rules and regulations division, by posting on his website and by whatever other means he deems appropriate.

Approved November 26, 2007.

## **Chapter 180. AN ACT AUTHORIZING THE TOWN OF TYNGSBOROUGH TO ESTABLISH A RECREATION FIELDS FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws, the town of Tyngsborough may establish and maintain a separate account known as the Recreation Fields Fund. The town treasurer shall keep the fund separate and apart from all other monies of the town and shall deposit into the account 10 per cent of the annual field usage fees for the use of school and town fields. The treasurer may invest these funds in the manner prescribed in sections 54 and 55 of said chapter 44. The town and the Tyngsborough school district may expend the principal and income from the fund for the non-routine maintenance of elementary school fields and Pierce field and for the replacement of the artificial surface of Pierce field.

**SECTION 2.** This act shall take effect upon its passage.

Approved November 26, 2007.

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**Chapter 181. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF HINSDALE AS THE HINSDALE VETERANS MEMORIAL BRIDGE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The bridge No. H-16-002 on Main street spanning the east branch of the Housatonic river in the town of Hinsdale shall be designated and known as the Hinsdale Veterans Memorial Bridge, in memory of the residents of Hinsdale who served in the armed forces and died while protecting the United States of America.

**SECTION 2.** The department of highways shall erect suitable markers bearing that designation in compliance with the standards of the department

Approved November 26, 2007.

**Chapter 182. AN ACT AUTHORIZING THE TOWN OF DUXBURY TO CONVEY CERTAIN LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The conservation commission of the town of Duxbury may convey a certain parcel of conservation land to the water department of the town for the purposes of water supply and distribution. The parcel shall consist of approximately 16,150 square feet located on Birch Street, which is a portion of Parcel 030B-502-051 as shown on a plan on file with the town clerk.

**SECTION 2.** In consideration of the conveyance authorized in section 1, the board of selectmen of the town of Duxbury, acting as water commissioners, shall convey a certain parcel of land to the conservation commission. The parcel shall consist of Parcel 120C-509-007 as shown on a plan on file with the town clerk, or a portion of Parcel 120C-509-007 as shall be agreed upon by the conservation commission and the board of selectmen, acting as water commissioners. The parcel conveyed pursuant to this section shall be of equal or greater size and value as the parcel described in section 1 and shall be conveyed for conservation or public park purposes.

**SECTION 3.** If the parcel conveyed pursuant to section 1 ceases to be used for the purposes described in section 1, the parcel shall revert back to the town of Duxbury for conservation or public park purposes.

**SECTION 4.** The conveyances authorized in sections 1 and 2 shall be subject to the approval of the conservation commission and the board of selectmen, acting as water commissioners.

Approved November 26, 2007.

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## Chapter 183. AN ACT RELATIVE TO VOLUNTEERS AT STATE PARKS.

*Be it enacted, etc.. as follows:*

**SECTION 1.** The general court hereby finds that volunteer activities and events serve an important public purpose, assist in the enhancement, preservation and improvement of the park system in the commonwealth, and that a program is required to help foster and assist in the stewardship of department of conservation and recreation properties through encouraging volunteer activities and partnerships with nonprofit organizations.

**SECTION 2.** Chapter 21 of the General Laws is hereby amended by inserting after section 17D the following section:-

Section 17G. (a) For purposes of this section, the words “nonprofit organization” and “volunteer” shall have the same meaning as used in 42 U.S.C. 14505.

(b) The department of conservation and recreation may cosponsor and participate in an event or activity on department property with a nonprofit organization at which the nonprofit organization may be allowed to charge, or solicit or receive donations of funds at the event or activity, if the event or activity furthers a public purpose of the department and the funds are used and expended by the nonprofit organization or department only for supporting or improving a facility or program of the department. The nonprofit organization shall report to the department and provide an annual accounting of the funds and expenditures therefrom.

(c) To encourage and further public participation in stewardship to educate, promote, clean, maintain or improve facilities of the department of conservation and recreation, the department may enter into agreements with nonprofit organizations regarding volunteers participating in the stewardship on department property. If the department enters into an agreement to cosponsor or participate in an event or activity with a nonprofit organization, pursuant and subject to chapter 258 of the General Laws and the guidelines adopted by the department under this section, a volunteer of the nonprofit organization shall not be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of the volunteer while acting within the scope of the volunteer’s activities under the agreement.

(d) The department shall post on its website for public review and subsequently establish guidelines, requirements and standards for: (1) authorizing and registering volunteers to provide stewardship services; (2) delegating direction, control, safety and supervision of the volunteers to the nonprofit organization; (3) developing accounting and reporting procedures as required in subsection (b); and (4) considering the volunteers, while acting within the scope of volunteer responsibilities for the department or the nonprofit organization, whether or not under delegated authority from the department, as public employees within the meaning of chapter 258. In a civil action involving a volunteer who is considered a public employee, the department may assert any defense or limitation on liability that the volunteer could have asserted under federal or state law.

Approved November 26, 2007.



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**Chapter 184. AN ACT AUTHORIZING THE TOWN OF LUNENBURG TO EXCHANGE CERTAIN LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 16 of chapter 30B of the General Laws or any other general or special law to the contrary, the town of Lunenburg may, subject to, and in consideration of the conveyance described in section 2, convey jointly to Katherine E. Lowe of 99 Fairview road in the town of Lunenburg, and Frederick B. Hobbs, Jr., of 1417 Massachusetts avenue in the town of Lunenburg, a certain parcel of land consisting of approximately .11 acre, consisting of a portion of the land shown on Assessor's Map 54, lot 545, and recorded in Worcester north registry of deeds, Book 3923, Page 258, which is more specifically shown as parcel A on the plan of land prepared for Frederick B. Sr. & Jean Hobbs by Whitman & Bingham Associates, LLC, dated March 20, 2006, and on file at the offices of the town clerk and board of selectmen of the town of Lunenburg.

**SECTION 2.** In consideration of the conveyance authorized in section 1, Katherine E. Lowe and Frederick B. Hobbs, Jr., shall convey to the town, but reserving a life estate and homestead in the real estate in favor of Frederick B. Hobbs, Sr., and Jean E. Hobbs, a parcel of land consisting of approximately .04 acre, consisting of a portion of the land shown on the Assessor's Map 54, lot 553, and recorded in Worcester north registry of deeds, Book 2470, Page 183 and which is more specifically shown as parcel B on the plan of land prepared for Frederick B. Sr. & Jean Hobbs by Whitman & Bingham Associates, LLC dated March 20, 2006, and on file at the offices of the town clerk and board of selectmen of the town of Lunenburg.

Approved November 26, 2007

**Chapter 185. AN ACT AUTHORIZING THE CITY OF SALEM TO GRANT AN ADDITIONAL LIQUOR LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Salem may grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138 to Salem Wine Imports, LTD, located at 32 Church street in the city of Salem. The license shall be subject to all of said chapter 138 except section 17.

Notwithstanding any general or special law, or any rule or regulation to the contrary, the alcohol licensing authority of the city of Salem shall not approve the transfer of the license to any other location. The license may be granted by the alcohol licensing authority of the city of Salem at the same location if an applicant for the license files with the authority

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a letter in writing from the department of revenue indicating the license is in good standing with the department and that any and all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the alcohol licensing authority of the city of Salem. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the alcohol licensing authority of the city of Salem may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon its passage.

Approved November 27, 2007.

## Chapter 186. AN ACT TO PROMOTE VETERANS BENEFITS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to conduct forthwith outreach to certain veterans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the department of revenue shall design and designate a place for a check-off box on its annual income tax forms for taxpayers who are veterans as defined in clause Forty-third of section 7 of chapter 4 of the General Laws and who served in the armed forces of the United States in active service as part of Operation Enduring Freedom, Operation Iraqi Freedom or Operation Noble Eagle. The department of revenue shall include this check-off box on its income tax forms until it has determined, in consultation with the department of veterans' services, that the need for this check-off box no longer exists.

The department of veterans' services shall enter into an interagency service agreement with the department of revenue to obtain said veterans' names and current addresses for the purpose of, but not limited to, contacting said veterans in order to verify eligibility for the benefits listed in section 35CC of chapter 10 of the General Laws, the third paragraph of section 19 of chapter 15A of the General Laws, subsection (b) of section 83 of chapter 33 of the General Laws, the second paragraph of section 88 of said chapter 33, section 88B of said chapter 33, section 6K of chapter 62 of the General Laws, the second and third paragraphs of section 4 of chapter 71 of the General Laws, section 6B of chapter 115 of the General Laws, and section 16 of chapter 130 of the acts of 2005.

Notwithstanding any general or special law to the contrary, the department of revenue may release the names and addresses to the secretary of veterans' services and the adjutant general of the Massachusetts national guard. The department of veterans' services shall submit a report not later than June 30 of each year to the joint committee on veterans and federal

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affairs detailing the collected data and the number of veterans who have received benefits described in this act as a result of outreach conducted after the department of veterans' services received this data from the department of revenue.

Approved November 27, 2007.

**Chapter 187. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHELLE SOUTHER, AN EMPLOYEE OF THE REGISTRY OF MOTOR VEHICLES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the registry of motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the registry of motor vehicles shall establish a sick leave bank for Michelle Souther, an employee of the registry. Any employee of the registry may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michelle Souther. Whenever Michelle Souther terminates employment with the registry or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved November 27, 2007.

**Chapter 188. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF FITCHBURG FOR WATERSHED PROTECTION PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Fitchburg, by its mayor, may, notwithstanding chapter 30B of the General Laws or any other general or special law to the contrary, convey by deed a certain parcel of real property located in the city of Fitchburg, including improvements thereon, if any. The property is described as a 7.5 acre parcel of land off Ashby West road in the city of Fitchburg, being a portion of the land conveyed to the city of Fitchburg by a deed dated February 14, 1919, recorded in the Worcester Northern district registry of deeds at book 349, page 337, and shown as lots 6, 7 and 8 on a plan of land entitled, "Preliminary

Land Exchange and Lot Development Plan in Fitchburg, Mass.", prepared for Dawn M. Tully and the city of Fitchburg, dated September, 2006, which is to be recorded upon the passage of this act. The parcel adjoins other land of Dawn M. Tully of Wells, Maine. The exact boundaries of the parcel shall be determined by the mayor based on a final survey. The parcel shall be conveyed by release deed in its existing condition without any warranty or representation by the city of Fitchburg.

**SECTION 2.** The consideration for the conveyance authorized by this act shall be the conveyance of approximately 15 acres of land owned by Dawn M. Tully to the city of Fitchburg, which shall be held for water supply. The parcel is shown on the above-referenced plan as lot 9, consists of 15 acres, more or less, and is a portion of the land conveyed to Dawn M. Tully by deed dated August 1, 2001, and recorded in the Worcester Northern registry of deeds at book 3892, page 58.

**SECTION 3.** The city of Fitchburg, notwithstanding chapter 30B of the General Laws or any other general or special law to the contrary, may accept a quitclaim deed from Dawn M. Tully for the above-referenced parcel consisting of 15 acres, more or less, in consideration of the city of Fitchburg's conveyance to Dawn M. Tully, by release deed, of the above-referenced 7.5 acre parcel. The parcel consisting of 15 acres, more or less, is more valuable to the city of Fitchburg for water supply protection purposes than the 7.5 acre parcel.

**SECTION 4.** The purchaser, Dawn M. Tully, shall be responsible for all costs associated with the conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording and legal costs and any and all other expenses incurred by the city of Fitchburg with the conveyance and any and all costs or liabilities arising from or connected with ownership of the parcel.

**SECTION 5.** This act shall take effect upon its passage.

Approved November 27, 2007.

## **Chapter 189. AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO CONSTRUCT AND MAINTAIN A COMMON SEWER THROUGH LAND ACQUIRED FOR CONSERVATION PURPOSES.**

*Be it enacted, etc., as follows:*

The town of Needham, acting at the direction of the town manager may construct and maintain a common sewer from Richardson drive to South street, in said town, through land acquired by the town for conservation and open space purposes, known as the Farley Pond Conservation Area and identified as Parcels 13 and 15 on the town of Needham's assessor's map 206.

Approved November 27, 2007.



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**Chapter 190. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF WORCESTER.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, upon the transfer of parcels of state-owned land pursuant to section 4, the commissioner of capital asset management and maintenance may convey a certain parcel of state-owned land identified as Parcel B in section 2 of chapter 317 of the acts of 1983 to the Worcester Business Development Corporation established in chapter 600 of the acts of 1965. A conveyance may provide for the granting of easements to the Worcester Business Development Corporation rights of way over certain roadways on adjoining land retained by the commonwealth, and may provide for easements granting the commonwealth rights of way over roadways to be constructed upon Parcel B by the Worcester Business Development Corporation. The conveyance of Parcel B shall be subject to such terms and conditions as the commissioner may prescribe which shall, at a minimum, include the requirements of clauses (a), (c), (d), (e) and (f) of section 4 of said chapter 31. The exact boundaries of Parcel B shall be determined by the commissioner, in consultation with the department of agricultural resources, after the completion of a survey. The consideration for the conveyance shall be the full and fair market value or its value in use as proposed, whichever is greater, of said Parcel B as determined by the commissioner pursuant to an independent professional appraisal. Parcel B shall be sold in its existing condition without any warranty, express or implied, by the commonwealth.

**SECTION 2.** Notwithstanding chapter 317 of the acts of 1983 and section 4 of chapter 329 of the acts of 1994, Parcel B shall be used only for medical or technologically-related purposes including, but not limited to, medical optics, pharmaceutical research and production, biotechnology or bioengineering and support services, which may include, but not be limited to, day care and fitness facilities, which enhance the economic development of the adjacent research and development park.

**SECTION 3.** Notwithstanding any general or special law to the contrary, but subject to chapter 600 of the acts of 1965, the Worcester Business Development Corporation may convey Parcel B, or any portion thereof, but shall restrict the use thereof to medical or technologically-related purposes including, but not limited to, medical optics, pharmaceutical research and production, biotechnology or bioengineering and support services, which may include, but not be limited to, day care and fitness facilities, which enhance the economic development of the adjacent research and development park. Notwithstanding the foregoing, the Worcester Business Development Corporation may convey Parcel B, or any portion thereof, to the owners of the abutting research and development park for purposes of drainage facilities or snow removal.

**SECTION 4.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary and in further consideration

for the conveyance authorized in section 1, the commissioner of capital asset management and maintenance shall, subject to such terms and conditions as he may prescribe, transfer to the department of agricultural resources to be used for agricultural purposes, the following parcels of land: (i) a certain parcel of state-owned land located in the town of Agawam containing approximately 40 acres and a portion of a tract of land containing approximately 49.2 acres and more particularly described in a deed recorded in book 915, page 453, in the Hampden district registry of deeds and located westerly of South Westfield street, easterly of Pine street, and bounded on the east by the criminal justice training center parking area, on the north by property now or formerly owned by Thomas Burke, and on the south by property now or formerly of W. Halliday. The exact boundaries of the parcel shall be determined by the commissioner, in consultation with the department of agricultural resources, after completion of a survey; and (ii) certain parcels of state-owned land located in the towns of Lakeville and Middleborough, and described on the Lakeville Assessors Map 62-1, as parcel 17; Map 62-3, as parcel 38, and Map 63-2, as parcel 2 located on the southerly side of Bridge street, southeasterly off of state highway route 105; and on the Middleborough Assessors Map 64, as parcel 126 located on the southeasterly side off of South Main street. The exact boundaries of the parcels shall be determined by the commissioner of capital asset management and maintenance, in consultation with the department of mental health, after completion of a survey.

**SECTION 5.** The Worcester Business Development Corporation shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the transfers and conveyances authorized in this act as those costs may be determined by the commissioner of capital asset management and maintenance.

**SECTION 6.** The inspector general shall review and approve the appraisal required pursuant to section 1. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner shall, 30 days before the execution of a transfer or conveyance authorized by this act, or any subsequent amendment thereto, submit the proposed transfer, conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed transfer, conveyance or amendment. The commissioner shall then submit the proposed transfer, conveyance or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before execution.

Approved November 27, 2007.

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## **Chapter 191. AN ACT RELATIVE TO CERTAIN CONSERVATION LAND IN THE TOWN OF AMHERST.**

*Be it enacted, etc., as follows:*

Chapter 287 of the acts of 2004 is hereby amended by striking out, in line 2, the words "parcel B" and inserting in place thereof the following words: - parcel A, which parcel is the northwestern portion of land taken pursuant to an Order of Taking dated July 13, 1987, also being a portion of Assessor's map 8D, parcel 20 and containing 11.9 acres, more or less.

Approved November 27, 2007.

## **Chapter 192. AN ACT ESTABLISHING THE COMMONWEALTH CORPS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 121 of chapter 6 of the General Laws is hereby repealed.

**SECTION 2.** Sections 209 to 213, inclusive, of said chapter 6 are hereby repealed.

**SECTION 3.** Section 13 of chapter 19A of the General Laws is hereby repealed.

**SECTION 4.** Chapter 78A of the General Laws is hereby repealed.

**SECTION 5.** As used in sections 5 to 11, inclusive, of this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", the non-profit organization with whom the commission contracts pursuant to section 7 for the operation of corps projects.

"Commission", the commonwealth corps commission established pursuant to section 6.

"Commonwealth student corps", the commonwealth student corps established pursuant to section 9.

"Community service-learning", a pedagogical approach to learning and a methodology for teaching, incorporating the study of local community problems and larger social issues into the classroom curriculum, using real world scenarios as the basis for learning curricular content and developing skills including, but not limited to, critical and creative thinking, problem solving, reasoning, communications and collaboration skills.

"Corps", the commonwealth service corps established pursuant to section 6.

"Corps members", individuals who commit to no more than 12 months of full or part-time service in the commonwealth service corps pursuant to this act.

"Corps projects", programs established pursuant to this act to satisfy unmet community needs.

"Corps sponsors", non-profit and public entities that participate in corps projects.

"Council", the community service-learning advisory council established pursuant to section 10.



“Massachusetts campus compact”, an organization of presidents of public higher education institutions engaged in developing a statewide collaboration to promote service as a critical component of higher education.

“Public higher education institutions”, shall include the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester; Bridgewater State College, Fitchburg State College, Framingham State College, the Massachusetts College of Art and Design, the Massachusetts Maritime Academy, Massachusetts College of Liberal Arts, Salem State College, Westfield State College, Worcester State College, Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, Northern Essex Community College, North Shore Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College.

“Unmet community needs”, needs including, but not limited to, those pertaining to education, public health, public safety, the environment and other human needs in underserved populations and areas in the commonwealth.

**SECTION 6.** (a) There shall be a commonwealth service corps to be composed of a limited number of carefully selected men and women of all ages to be made available for a limited time for projects directed toward satisfying unmet community needs.

The corps shall be governed by a commission consisting of the commissioner of education and 14 members to be appointed by the governor; 1 of whom shall be a member of the Massachusetts Municipal Association; 1 of whom shall be a member of the Massachusetts AFL-CIO; 1 of whom shall be a member of the Associated Industries of Massachusetts; 1 of whom shall be an individual between the ages of 16 and 25 who is a participant or supervisor in a corps program; 1 of whom shall be a representative of a national service program described in 42 U.S.C. section 12572(a); 1 of whom shall be an individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth; 1 of whom shall be an individual with experience in promoting the involvement of older adults in service and voluntarism; and 1 of whom shall be a representative of a community-based organization. Not more than 8 of the members appointed by the governor shall be from the same political party. Each member shall serve for a term of 3 years and shall serve without compensation. A person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. A member shall be eligible for reappointment. Unless the governor has applied for and received approval pursuant to 42 U.S.C. § 12638 to utilize an alternative administrative agency, said commission shall serve as the commonwealth’s commission on community service and volunteerism pursuant to 42 U.S.C. § 12638. A chairman of the commission shall be elected annually from the membership. The executive office of the governor shall provide administrative support to the commission as requested.



(b) The duties of the commission shall include, but not be limited to: administering projects to address unmet community needs by recruiting and placing corps members in non-profit organizations and public entities; providing grants and administrative support to assist these projects; reviewing and approving the commonwealth corps plan and annual updates prepared by the agency; and reviewing the agency's performance in carrying out its responsibilities pursuant to this act. The commission shall, subject to appropriation, contract with a non-profit organization incorporated pursuant to the provisions of chapter 180 of the General Laws for the operation of corps projects.

**SECTION 7.** (a) Corps members shall be residents of the commonwealth who are at least 18 years of age. Members shall be the responsibility of the corps sponsors with support from the agency. Corps members shall undertake meaningful service projects addressing unmet community needs in areas including, but not limited to, the environment, education, health and basic human services and may serve full or part-time; but, members having direct contact with minor children or vulnerable adults shall be required to pass a background check.

(b) The agency and the corps sponsors shall, to the extent practicable, ensure that corps members are placed with corps projects that match their interests, geographic constraints, skills and abilities. The agency may prescribe additional standards and procedures in consultation with the commission. Corps sponsors may enroll individuals who choose to defer a stipend to serve as a corps member. Corps sponsors shall seek to enroll individuals who are economically, geographically, ethnically, socially, physically or educationally diverse.

(c) A corps member shall not be subject to chapter 31 or section 9A of chapter 30 of the General Laws. Corps members shall not be considered to be an employee of the commonwealth entitled to the benefit of chapter 152 of the General Laws, nor shall a corp member be considered to be an employee of the commonwealth for any other purpose.

**SECTION 8.** (a) The agency shall, without limitation and subject to a duly executed contract with the commission, administer the corps and the student corps and in so doing shall: (1) provide the personnel necessary to satisfy its obligations pursuant to the contract with the commission; (2) recruit corps sponsors; (3) coordinate among agencies of the commonwealth and other organizations using community service and volunteerism as a strategy to assist in the solution of local, regional and statewide problems; (4) initiate studies and analyses of proposed and implemented service and volunteer projects, which will aid in solving local, regional and statewide problems; (5) evaluate current community service-learning projects in the commonwealth's public schools and make recommendations to the governor for the expansion of existing programs; (6) recommend expansion of corps opportunities to address all community needs, such as education, environment, public safety, public health and employment and training; (7) encourage the corporate community of the commonwealth to become an active partner in the support, advocacy and promotion of community service and volunteer opportunities in the commonwealth; (8) develop a grant

application and selection process using the criteria set forth in subsection (b) for non-profit organizations and public entities, including schools and educational institutions, seeking to participate in the commonwealth corps; (9) review grant applications from non-profit organizations and public entities, including schools and educational institutions and selecting grant awardees; (10) establish criteria and procedures for recruiting residents of the commonwealth who are 18 years or older to serve as corps members; (11) establish procedures for matching and placing corps members with corps projects; (12) establish personnel policies and procedures for corps members; (13) determine the appropriate financial match support levels by private business, community groups, foundations, public agencies and individuals; (14) assist corps sponsors in the development of scholarships and matching funds from private businesses, community groups, foundations, public agencies and individuals in order to support a portion of a corps member's stipend and benefits; (15) monitor corps members and corps sponsors for compliance with all state and federal laws and funding agreements; and (16) encourage corps sponsors to assist full-time corps members seeking to defer federally funded student loan payments during their period of service.

(b) The agency shall give projects meeting the following criteria preference: (1) projects addressing a well-established unmet community need; (2) projects articulating measurable goals, including an assessment of the impact on the corps members and on the targeted community; (3) projects providing services to communities and organizations throughout the commonwealth; (4) projects not using corps members to replace previously budgeted positions or to reduce overtime, hours of work or opportunities for advancement for employees or members of corps sponsors; and (5) projects falling within 1 or both of the following categories: (i) direct service projects that give corps members opportunities to provide direct services addressing unmet community needs including, but not limited to, tutoring or mentoring, providing health care education, providing services to the homeless, enhancing historic, cultural, and natural resources of the commonwealth, enhancing environmental restoration, enhancing emergency preparedness and response; or (ii) volunteer-generating projects that give corps members the opportunity to recruit, train and support volunteers to participate in civic projects and to meet unmet community needs.

(c) The agency shall establish guidelines for projects and activities to reform, expand, replicate and implement community service and volunteer opportunities in the commonwealth. Corps sponsors shall submit data to the agency verifying compliance with the program requirements at least annually.

**SECTION 9.** (a) The commission, with the advice of the public higher education institutions, shall establish through the agency a pilot commonwealth student corps program to expand opportunities for students of environmental, educational, public health, and public safety professions to participate in public service projects that help meet unmet community needs. The program shall be designed to expand and coordinate public and private resources that promote community service by connecting supervised students with professionals in service projects that are consistent with students' areas of studies.

(b) The pilot commonwealth student corps program shall be administered through the agency at no more than 5 public higher education institutions over a 3-year period. Upon completion of the pilot program, the agency and the commission, with the input of public higher education institutions, shall evaluate the pilot program and make recommendations to the governor on the continued implementation of the curriculum-based community service programs. The commission, upon a majority vote, may extend service-learning beyond the period of the 3-year pilot program and to other public institutions of higher education.

(c) The board shall work in coordination with the Massachusetts campus compact, so-called, to review opportunities for students to be matched with accredited service sites. The agency, in cooperation with the Massachusetts campus compact, shall develop criteria for the accreditation of these service sites.

(d) The purpose and goals of the curriculum-based pilot commonwealth student corps shall include, but not be limited to: (1) increasing opportunities for students in the commonwealth to participate in real-world applied learning through curriculum-based service activities; (2) helping address the commonwealth's community needs; (3) strengthening communities through service; (4) enhancing the ethic of service; and (5) providing students academic credit for participation in community service-learning projects.

**SECTION 10.** (a) There shall be a community service-learning advisory council. The council shall consist of no more than 30 members to be appointed by the commission, 1 of whom shall be a board member of the agency; 1 of whom shall be a member of the Massachusetts Campus Compact; 1 of whom shall be a representative of the Massachusetts AFL-CIO; 1 of whom shall be a program coordinator; provided, however, that the commission shall appoint additional members from a range of professions, including, but not limited to, college or university presidents, faculty members of institutions of higher education, school board members, school superintendents, educators, counselors, students and members of the business community. Each member shall serve for a term of 3 years and shall serve without compensation. A person appointed to fill a vacancy in the office of a member of the council shall be appointed in a like manner and shall serve for only the unexpired term of the member. A member shall be eligible for reappointment. A chairman of the council shall be elected annually from the membership. The executive office of the governor shall provide administrative support to the council as requested.

(b) The duties of the council shall include, but not be limited to, the following: (1) coordinating with other private and public entities including the agency, the Massachusetts department of education, and the Massachusetts board of higher education to promote the development and advancement of service learning opportunities for students in the commonwealth; (2) conducting studies of projects to be approved by the agency; (3) delivering regular reports on the progress of the commonwealth student corps program to the governor and general court; (4) applying to private sources and the federal government for grants to implement studies and fund accredited service projects; but, the council shall deposit funds received from said grants in a separate account at the department of each participating state college or university; (5) entering into agreements with other entities as



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allowed by law for the purposes of implementing this act; (6) studying the feasibility of utilizing the services of retired professionals and other licensed and certified professionals; and (7) disseminating information identifying best practices related to service learning programs and policies to educational institutions in the commonwealth.

**SECTION 11.** The agency shall annually file with the commission, on or before January 1, a report, which shall include, but not be limited to, the following: (1) a financial statement summarizing its expenditures and available funds; (2) the number of projects and proposed placements submitted to it; (3) the number of volunteers assigned to corps sponsors; (4) the number of hours served by corps members; (5) the number of beneficiaries served by corps projects; (6) a description of corps projects and a summary of the work completed; (7) a measure of outputs and outcomes; (8) organizations participating in the commonwealth student corps, community service-learning activities, commonwealth student corps activities; and (9) information on other pertinent service data as may be determined by the commission.

*Emergency Letter: 11/27/07 @ 4:52 P.M*

Approved November 27, 2007.

## **Chapter 193. AN ACT PROVIDING FOR THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE HEALTH CARE SECURITY TRUST FUND.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to forthwith permit the transfer of certain funds to the Health Care Security Trust Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the comptroller shall not less than 10 days after the effective date of this act, transfer \$150,000,000 to the General Fund from the Health Care Security Trust Fund, established in section 1 of chapter 29D of the General Laws.

Approved November 28, 2007.

## **Chapter 194. AN ACT RELATIVE TO THE SHARING OF INFORMATION BY THE DIVISION OF UNEMPLOYMENT INSURANCE.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to forthwith permit the Division of Unemployment Compensation to share certain informa-



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tion, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

*Be it enacted, etc., as follows:*

Subsection (c) of section 46 of chapter 151A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following clause:-

(7) to the division of health care finance and policy, information under an interagency agreement for the administration and enforcement of sections 6B, 6C and 18B of chapter 118G and for the administration of the fair share employer contribution requirement under section 188 of chapter 149.

Approved November 28, 2007.

### **Chapter 195. AN ACT ESTABLISHING A SICK LEAVE BANK FOR LYNDIA GRAHAM-MEHO, AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC HEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of public health shall establish a sick leave bank for Lyndia Graham-Meho, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Lyndia Graham-Meho. Whenever Lyndia Graham-Meho terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved November 28, 2007.

### **Chapter 196. AN ACT ESTABLISHING A SICK LEAVE BANK FOR PETER HEBERT, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of mental

retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Peter Hebert, an employee of the department of mental retardation. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Peter Hebert. Whenever Peter Hebert terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved November 28, 2007.

**Chapter 197. AN ACT ALLOWING FOR THE CONTINUED USE OF  
STATE-OWNED PROPERTY FOR FISHING, BOATING AND  
TOURISM PURPOSES ON THE CONGAMOND LAKES IN THE  
TOWN OF SOUTHWICK.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the lease of certain state-owned land to the town of Southwick, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 535 of the acts of 1992 is hereby repealed.

**SECTION 2.** Notwithstanding any general or special law to the contrary, but subject to section 40J of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the office of fishing and boating access, may lease to the town of Southwick for a term, including any extensions, not to exceed 10 years, a certain parcel of state-owned land in the town of Southwick. This parcel is identified as Lot A on a plan entitled "Plan of Land in Southwick, MA owned by the Commonwealth of Massachusetts, Public Access Board, Department of Fisheries, Wildlife, and Environmental Law Enforcement Showing Parcel to Be Leased by Wylie C. Hubbard, PE RLS, Woodlake, Inc., Agawam, Scale 1"=20", dated August twenty-sixth, nineteen hundred and ninety-one." The commissioner, in consultation with the office of fishing and boating access, shall determine the annual rental compensation based upon an independent professional market-rental appraisal of the property minus any maintenance expenditures, services and educational programs performed or to be performed by the lessee. The lease shall automatically renew for additional periods of 10 years unless 1 of the parties gives

notice to decline renewal. The lease shall be subject to section 3 and to such additional terms and conditions as the commissioner, in consultation with the office of fishing and boating access, may prescribe; provided, however, that the lease shall be contingent upon the town of Southwick and its agents, customers or contractors agreeing to hold the commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the lease and to indemnify and defend the commonwealth and its agents and employees from and against all such claims, actions, damages or costs.

**SECTION 3.** The inspector general shall review and approve the appraisal required pursuant to section 2. The inspector general shall prepare a report of his review of the methodology used for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner shall, 30 days before the execution of any lease authorized by this act, or any subsequent amendment thereto, submit the proposed lease or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed lease or amendment. The commissioner shall submit the proposed lease or amendment and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before the execution of the lease or amendment.

**SECTION 4.** The town of Southwick shall be responsible for all costs and expenses associated with a transaction authorized by this act, including, but not limited to, costs associated with any engineering, survey, appraisal, and lease preparation related to the lease authorized by this act and for the development, improvement, maintenance or operation of the property as may be determined by the commissioner for its leasehold.

**SECTION 5.** All proceeds from the lease and fees collected by the lessee shall be deposited into the Lake Management Fund.

Approved November 28, 2007.

**Chapter 198. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO EXCHANGE LAND HELD FOR CONSERVATION AND RECREATION PURPOSES WITH THE NYE FAMILY OF AMERICA ASSOCIATION, INC.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the exchange of certain land held for conservation and recreation purposes between the division of capital asset management and maintenance and the Nye Family of America Association, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, on behalf of and in consultation with the commissioner of fish and game and the director of fisheries and wildlife, may convey a certain parcel of land, currently under the care and control of the department of fish and game for recreational purposes, to the Nye Family of America Association, Inc. its successors and assigns, for public and other purposes, subject to the requirements of sections 2, 3 and 4. The parcel is shown as containing approximately 60,600 square feet, more or less, and being generally described as PARCEL 2 on a plan, entitled PLAN OF LAND IN SANDWICH (EAST), MASS. SHOWING LAND TO BE EXCHANGED Between Nye Family of America, Association, Inc. and Commonwealth of Massachusetts Division of Fisheries and Wildlife prepared for Nye Family of America Association, Inc., dated November 10, 2006, drawn by David C. Thulin, PE, PLS, and retained in the central files in the town of Sandwich Office of Planning and Development. The commissioner of capital asset management and maintenance shall determine the exact boundaries of the parcel after completion of a survey.

**SECTION 2.** No deed conveying, by or on behalf of the commonwealth, the parcel of land described in section 1 shall be valid unless such deed is exchanged for a similar parcel of land which abuts the old East Sandwich Fish Hatchery and is of equal or greater value of the land to be used for conservation and recreation purposes by the department of fish and game. The value of the parcels conveyed shall be determined by an independent appraiser. This conveyance shall be subject to review by the inspector general.

**SECTION 3.** The consideration for the conveyance authorized in section 1 shall be the transfer of a parcel designated as Parcel 1 on the aforementioned plan of land and containing approximately 118,800 square feet, more or less, by the Nye Family of America Association, Inc. to the department of fish and game. The commissioner shall determine the exact boundaries of said land or interest in land after completion of a survey of such land to be exchanged.

**SECTION 4.** The Nye Family of America Association, Inc. shall assume the costs of any appraisals, surveys and other expenses deemed necessary by the commissioner of capital asset management and maintenance to complete the exchange of properties.

Approved November 28, 2007.

## Chapter 199. AN ACT INCREASING THE PUNISHMENT FOR DRAG RACING.

*Be it enacted, etc., as follows:*

The first paragraph of section 17B of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following 2 sentences:- Whoever violates this



section shall be punished by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$1,000. The registrar shall suspend such violator's license for a period of not less than 30 days for a first offense and for not less than 180 days for any subsequent violation.

Approved November 28, 2007.

## **Chapter 200. AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO INSTALL, FINANCE AND OPERATE WIND ENERGY FACILITIES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Falmouth may design and install wind energy facilities at its wastewater treatment facility at Blacksmith Shop road in the town, prepare and improve the site, acquire all equipment necessary for the wind energy facilities, make improvements and extraordinary repairs to the facilities and pay all costs incidental and related thereto.

**SECTION 2.** The town of Falmouth may issue, from time to time, bonds or notes in order to finance all or a portion of the costs of the wind energy facilities project authorized in section 1. Notwithstanding chapter 44 of the General Laws, the maturities of such bonds shall be arranged: (i) for each issue, so that the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable, in the opinion of the town treasurer; or (ii) in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds or of any temporary notes issued in anticipation of the bonds shall be not later than 5 years from the estimated date of the commencement of regular operation of the wind energy facilities financed thereby, as determined by the town treasurer. The last payment of principal of the bonds shall be not later than 25 years from the date of the bonds. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws but, except as otherwise provided herein, shall be subject to said chapter 44.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the town of Falmouth may operate wind energy facilities installed pursuant to section 1, sell the electricity generated from such facilities and sell any other marketable products resulting from the generation of wind energy at such facilities or from the generation of any type of renewable energy at any renewable energy facility which the town is authorized to operate. Such marketable products shall include, but not be limited to, electronic certificates created to represent the generation attributes, as is defined in 225 CMR 14.02, of each megawatt hour of energy generated by the wind energy facility or any other renewable energy-producing facility. The board of selectmen of the town of Falmouth may enter into contracts on behalf of the town for the sale of electricity and energy facilities with such parties and upon such terms and conditions as the board of selectmen determines to be in the best

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interests of the town of Falmouth.

**SECTION 4.** The town of Falmouth shall procure the services required for the design, installation, improvement, repair and operation of the wind energy facilities authorized in this act and any equipment necessary in connection therewith, in accordance with the procurement requirements of chapter 30B of the General Laws. The town of Falmouth may procure such services and equipment together as 1 procurement or as separate procurements thereunder.

**SECTION 5.** The town of Falmouth may establish an enterprise fund pursuant to section 53F½ of chapter 44 of the General Laws for the receipt of all revenues from the operation of the wind energy facilities authorized in this act and from any other renewable energy-producing facilities which the town is authorized to operate and all moneys received for the benefit of the wind energy facilities and any other renewable energy facilities, other than the proceeds of bonds or notes issued therefor. Such receipts shall be used to pay the costs of operation and maintenance of the wind energy facilities and any such other renewable energy facilities, to pay the costs of future improvements and repairs thereto and to pay the principal and interest on any bonds or notes issued therefor.

**SECTION 6.** This act shall take effect upon its passage.

Approved November 29, 2007.

## **Chapter 201. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO GRANT 3 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Foxborough may grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, subject to the conditions set forth in this act.

(b) The board of selectmen shall restrict the licenses to business entities located within the site containing a development to be known as Chestnut Green, in the Chestnut-Payson Overly District, as more particularly shown on a plan which is on file with the board of selectmen as the "Site".

(c) Notwithstanding said section 12 of said chapter 138 of the General Laws, the additional licenses authorized in this act shall be subject to an original license fee of \$5,000 in addition to the annual fee for existing all alcoholic beverages licenses in the town of Foxborough, such fee to be due and payable upon the original issuance of the license and also upon the reissuance of the license pursuant to this act. The additional \$5,000 fee shall be deposited into an economic development account of the town and expended consistently with the purposes of the account.

(d) Prior to the granting of a license pursuant to this act, the board of selectmen shall

determine whether an applicant or licensee meets the criteria set forth in this act and consistent with the rules and regulations governing the granting of all alcoholic beverages licenses promulgated by the board of selectmen and all other applicable laws.

(e) Notwithstanding any general or special law or rule or regulation to the contrary, the board of selectmen shall not approve the transfer of a license granted pursuant to this act to any other location outside of the Site. The license may be granted by the board of selectmen at the same location if an applicant for the license files with the board a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(f) If a license granted under this act is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the board of selectmen. The board of selectmen may then grant that license to a new applicant who meets the criteria set forth in this act and whose business is located within the Site. Such reissuance shall be subject to the payment of the reissuance fee of \$5,000 under the same conditions as specified in this act and shall be deposited into an economic development account of the town and expended consistently with the purposes of the account.

**SECTION 2.** This act shall take effect upon its passage.

Approved November 29, 2007.

## **Chapter 202. AN ACT AUTHORIZING A CHANGE OF USE OF CERTAIN CONSERVATION LAND IN THE TOWN OF NEEDHAM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Needham may change the use of a portion of the property known as Ridge Hill Reservation, located at 463 Charles River street in the town of Needham, which portion is more fully described in section 2, from conservation use to general municipal use.

**SECTION 2.** The portions of the property affected by the change in use authorized in section 1 are identified as follows: the buildings and 3.04 acres of land, more or less, surrounding the structures, as more fully described in a plan on file with the town clerk, entitled "Needham Senior Center Proposed Transfer Area (Scheme E-modified) – 4/27/07, Catlin Architecture." All other property within the Ridge Hill Reservation and not specifically identified in this act shall remain dedicated to conservation use.

**SECTION 3.** This act shall take effect upon its passage.

Approved November 29, 2007.

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**Chapter 203. AN ACT AUTHORIZING THE CITY OF LOWELL TO PAY A CERTAIN COURT JUDGMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 9 and 13 of chapter 258 of the General Laws or any other general or special law to the contrary, the city of Lowell may raise and appropriate, and the treasurer of the city may pay from available funds a sum of money not to exceed \$201,463.00 to satisfy in full a judgment in a civil action entitled Phaly Poy v. John Boutselis. John Boutselis is a police officer of the city of Lowell.

**SECTION 2.** The payment shall only be made upon recommendation of the city manager of Lowell and the affirmative vote of a majority of the members of the Lowell city council.

**SECTION 3.** Payment of the sum, as well as the manner of the payment, as determined by the city manager and approved by the city council shall be considered payment in full for all damages, compensatory and punitive, attorneys' fees and interest thereon.

**SECTION 4.** This act shall take effect upon its passage.

Approved November 29, 2007.

**Chapter 204. AN ACT RELATIVE TO MEMBERS OF THE EXECUTIVE COUNCIL.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 4 of chapter 268A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 19, the words "A member of the general court shall not" and inserting in place thereof the following words:- neither a member of the general court nor a member of the executive council shall.

**SECTION 2.** Said section 4 of said chapter 268A, as so appearing, is hereby further amended by inserting after the word "court", in line 20, the following words:- or executive council.

**SECTION 3.** Said section 4 of said chapter 268A, as so appearing, is hereby further amended by inserting after the word "legislative", in line 21, the following words:- or executive council.

Approved November 29, 2007.

**Chapter 205. AN ACT FURTHER REGULATING HEALTH CARE ACCESS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection (e) of section 16L of chapter 6A of the General Laws, as



appearing in the 2006 Official Edition, is hereby amended by adding the following 4 sentences:- Data submitted to the health care quality and cost council under this section and the regulations promulgated thereunder shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 and under chapter 66, except as specifically provided otherwise in the regulations or as approved by the council for display on the council's website. The council shall promulgate regulations providing access to such data, provided that such regulations take into account the need to: (1) achieve the goals identified by the council; (2) protect patient privacy; (3) prevent collusion or anti-competitive conduct; and (4) prevent the release of data that could reasonably be expected to increase the cost of health care. The regulations may limit access to data based on its proposed use, the credentials of the requesting party, the type of data requested or other criteria required to make a determination regarding the appropriate release of the data. The regulations shall also provide for limitations on the requesting party's use and release of any data to which that party has been given access by the council.

**SECTION 2.** Said chapter 6A is hereby further amended by striking out section 16O, as so appearing, and inserting in place thereof the following section:—

Section 16O. (a) There shall be a health disparities council located within, but not subject to the control of, the executive office of health and human services. The council shall make recommendations to reduce and eliminate racial and ethnic disparities in access to quality health care and in health outcomes within the commonwealth, including disparities related to breast, cervical, prostate and colorectal cancers, strokes, and heart attacks, heart disease, diabetes, infant mortality, lupus, HIV/AIDS, asthma and other respiratory illnesses. The council may consider environmental, housing and other relevant matters contributing to these disparities. The council shall make recommendations to increase racial and ethnic diversity in the health care workforce, including doctors, nurses and physician assistants. The council shall maintain ongoing communication and coordination with the health care quality and cost council, established in section 16K of chapter 6A.

(b) The council shall consist of 37 members and shall be comprised of: 3 members of the house of representatives, 1 of whom shall be designated as co-chair by the speaker; 3 members of the senate, 1 of whom shall be designated as co-chair by the senate president; the secretary of health and human services or his designee, who shall serve ex officio; the commissioner of public health or his designee, who shall serve ex officio; the director of multicultural health in the department of public health or his designee, who shall serve ex officio; the director of Medicaid or his designee, who shall serve ex officio; the attorney general or her designee, who shall serve ex officio; 8 persons from communities disproportionately affected by health disparities, 4 of whom shall be appointed by the speaker and 4 of whom shall be appointed by the senate president; and 18 persons appointed by the co-chairs, 1 from each list of nominees submitted by each of the following organizations: the American Cancer Society, Massachusetts Division, Inc.; the American Heart Association, Massachusetts Affiliate, Inc.; the Massachusetts General Hospital; Brigham and Women's/Faulkner Hospitals, Inc.; the Dana Farber Cancer Institute, Inc.; the Massachusetts League of Community Health Centers, Inc.; the Massachusetts Medical Society; the

Massachusetts Hospital Association; the Boston public health commission, established in chapter 147 of the acts of 1995; the health department of the city of Springfield; the health department of the city of Worcester; the Massachusetts School Nurse Organization, Inc.; the Massachusetts Association of Public Health Nurses, Inc.; the Massachusetts Association of Health Plans, Inc.; Blue Cross Blue Shield of Massachusetts, Inc.; the Program to Eliminate Health Disparities at the Harvard School of Public Health; the Boston Medical Center Corporation; and the Massachusetts Public Health Association. The representatives of nongovernmental organizations shall serve staggered 3-year terms. Vacancies of unexpired terms shall be filled within 60 days by the appropriate appointing authority.

(c) The council shall meet at least bimonthly, at other times as determined by its rules, and when requested either by both co-chairs or by 1 co-chair and any 9 members.

(d) The council shall submit a report annually by July 1 to the governor, the health care cost and quality council and the general court, by filing the same with the clerks of the senate and house of representatives, the joint committee on health care financing and the joint committee on public health. The report shall include: (i) data on disparities in health care access and health outcomes; (ii) data on diversity in the health care workforce; (iii) recommendations for designing, implementing and improving programs and services; (iv) proposals for statutory and regulatory changes to reduce and eliminate disparities in access to quality health care services and health outcomes in the commonwealth; and (v) recommendations for improving diversity and cultural competency in the health care workforce.

**SECTION 3.** Section 7B of chapter 26 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:

(b) Upon request, carriers licensed under chapters 175, 176A, 176B and 176G and the office of Medicaid shall make information available to the bureau for the purposes of chapter 111M. Such information shall be limited to the minimum amount of personal information necessary, shall not include information about diagnoses or treatments and, except for the office of Medicaid, shall not include social security numbers. The information acquired under this section shall be confidential and shall not constitute a public record.

**SECTION 4.** Section 2PPP of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the words “paragraph (b) of section 56” and inserting in place thereof the following words:- subsection (b) of section 35 of chapter 118G.

**SECTION 5.** Section 2 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out, in lines 49 and 50, the words “following loss of dependent status under the Internal Revenue Code” and inserting in place thereof the following words:- after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106.

**SECTION 6.** Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following subparagraph:-

(Q) If an employee participates in an employer-provided health insurance plan, any amount which, but for this section, would be included in gross income of the employee by

reason of coverage under the plan of any person other than the employee, to the extent such coverage is mandated by law.

**SECTION 7.** Section 8B of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The statements and reports shall identify the carrier or employer, the covered individual and covered dependents, the insurance policy or similar numbers and the dates of coverage during the year, and shall provide other information as required by the commissioner of revenue for the purposes of chapter 111M. Such information shall be limited to the minimum amount of personal information necessary, shall not include information about diagnoses or treatments and, except for the office of Medicaid, shall not include social security numbers. The commissioner of revenue, in consultation with the commissioner of insurance, may specify the content and format of the statements and reports. The commissioner of revenue may disclose the information in the statements and reports to the division of insurance, the division of health care finance and policy and the commonwealth health insurance connector. The information in the statements and reports shall be confidential and shall not constitute a public record.

**SECTION 8.** Subsection (b) of section 21 of said chapter 62C, as so appearing, is hereby amended by adding the following clause:-

(23) the disclosure of information contained in a return filed pursuant to this chapter to the division of health care finance and policy to allow the department to determine if a taxpayer who claimed an exemption under section 3 of chapter 111 received health services that were reimbursed from the Health Safety Net Trust Fund under section 39 of chapter 118G or to the executive office of health and human services, in its capacity as the single state agency for the purposes of Title XIX of the Social Security Act to allow the department to verify MassHealth coverage.

**SECTION 9.** Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by striking out, in lines 73 and 74, the words “paragraph (c) of section 60 of chapter 118E” and inserting in place thereof the following words:— subsection (c) of section 39 of chapter 118G.

**SECTION 10.** Section 13 of said chapter 62D, as so appearing, is hereby amended by striking out clause (viii) and inserting in place thereof the following clause:-

(viii) the health safety net office for obligations to the Health Safety Net Trust Fund for the cost of health care services paid from the fund under section 39 of chapter 118G;

**SECTION 11.** Section 12 of chapter 62E of the General Laws, as so appearing, is hereby amended by striking out, in lines 32 and 33, the words “55 to 60, inclusive of chapter 118E” and inserting in place thereof the following words:- 34 to 39, inclusive, of chapter 118G.

**SECTION 12.** The definition of “Creditable coverage” in section 1 of chapter 111M of the General Laws, as so appearing, is hereby amended by striking out clause (d) and inserting in place thereof the following clause:-



(d) Title XXI or XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928 or section 1903 (v) of said Title XIX.

**SECTION 13.** Section 2 of said chapter 111M is hereby amended by striking out subsection (b), as appearing in section 12 of chapter 58 of the acts of 2006, and inserting in place thereof the following paragraph:-

(b) Every person who files or is required to file an individual return as a resident of the commonwealth, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the commissioner of revenue, whether such person, as of the last day of the taxable year for which the return is filed: (i) had creditable coverage in force as required under paragraph (a) whether covered as an individual or as a named beneficiary of a policy covering multiple individuals; (ii) claims an exemption under section 3; or (iii) had a certificate issued under section 3 of chapter 176Q. If the person does not so indicate, or indicates that he did not have such coverage in force, then the tax shall be computed on the return without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in said paragraph (b). If the person indicates that he had such creditable coverage in force but the commissioner determines, based on the information available to him, that the requirement of paragraph (a) was not met, then the commissioner shall compute the tax for the taxable year without benefit of the personal exemption set forth in said paragraph (b) of said Part B of said section 3 of said chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in said paragraph (b). The commissioner shall first give notice to such person of his intent to do so and provide an opportunity for a hearing, under rules prescribed by the commissioner. Whenever, under this section, the tax is computed without benefit of the personal exemption, or without benefit of one-half of the personal exemption, the difference between the tax so computed and the tax that would be computed in the absence of this section shall constitute a penalty assessed under this section. The commissioner shall have all enforcement and collection procedures available under chapter 62C to collect the penalty assessed under this section.

**SECTION 14.** The first paragraph of said paragraph (b) of said section 2 of said chapter 111M, as appearing in section 13 of said chapter 58, is hereby amended by inserting after the word "files", in line 34, the following words:- or is required to file.

**SECTION 15.** Said section 2 of said chapter 111M, as appearing in the 2006 Official Edition, is hereby further amended by striking out, in line 66, the word "collected" and inserting in place thereof the following words:- assessed under this section that he collects.

**SECTION 16.** Section 3 of said chapter 111M, as so appearing, is hereby amended by striking out, in line 9, the words "penalties in subsection (b) of" and inserting in place thereof the following words:- penalty assessed under.

**SECTION 17.** Section 9C of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out, in lines 29 and 37, the figure "200" and inserting in place thereof, in each instance, the following figure:- 300.



**SECTION 18.** Subclause (ii) of clause (a) of the first sentence of the eighth paragraph of section 23 of said chapter 118E, as appearing in section 4 of chapter 42 of the acts of 2007, is hereby amended by striking out the words “uncompensated care pool under” and inserting in place thereof the following words:- Health Safety Net Trust Fund under section 39 of.

**SECTION 19.** Said eighth paragraph of said section 23 of said chapter 118E, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- Upon request from the department of revenue, the division shall make information received from holders of health insurance information available to the department to determine whether a person is covered by insurance as required by chapter 111M.

**SECTION 20.** Section 54 of said chapter 118E, as appearing in the 2006 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following 3 sentences:— The executive office may reduce MassHealth premiums or copayments, or offer other incentives to encourage enrollees to comply with wellness goals. The executive office shall publish a report annually on: (1) the number of enrollees who meet at least 1 wellness goal; (2) any reduction of copayments or premiums; and (3) any other incentives provided because enrollees met wellness goals. The report shall be submitted to the general court, by filing it with the joint committee on health care financing and the house and senate committees on ways and means.

**SECTION 21.** Section 5 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out, in line 32, the words “56 of chapter 118E” and inserting in place thereof the following figure:- 35.

**SECTION 22.** Section 6C of said chapter 118G, as so appearing, is hereby amended by striking out, in line 6, the words “more than 10” and inserting in place thereof the following words:— 11 or more full-time equivalent.

**SECTION 23.** Said section 6C of said chapter 118G, as so appearing, is hereby further amended by striking out, in line 9, the words “more than 10” and inserting in place thereof the following words:— 11 or more full-time equivalent.

**SECTION 24.** Section 18B of said chapter 118G, as so appearing, is hereby amended by striking out, in line 9, the figure “90” and inserting in place thereof the following figure:- 180.

**SECTION 25.** Said section 18B of said chapter 118G, as so appearing, is hereby further amended by striking out, in lines 25 and 26, the words “from the uncompensated care pool, under chapter 118E” and inserting in place thereof the following words:- reimbursed by the health safety net office under section 39.

**SECTION 26.** Section 35 of said chapter 118G, inserted by section 15 of chapter 61 of the acts of 2007, is hereby amended by adding the following subsection:-

(c) The office shall enter into an interdepartmental service agreement with the office of Medicaid to develop and implement a plan to enhance oversight and improve the operations, management, payment processes and data integrity of the Health Safety Net Trust Fund, consistent with clauses (2) to (5), inclusive, of subsection (b).

The plan shall include: (i) an analysis of free care and emergency bad debt claims submitted in the most recent 3-year period to determine patterns most appropriate and promising for targeted audits and reviews; (ii) a cost-effective approach to maximizing the identification of all sources of third-party liability for patients receiving free care or emergency services; (iii) a cost-effective approach to establishing an ongoing claims and utilization review system for uncompensated care claims that effectively identifies and disallows inappropriate claims, but also takes into consideration the practicality of that approach considering the small volume of claims relative to other payers that make routine use of claims and utilization review systems; (iv) an approach that maximizes the use of existing eligibility determination and review systems, coordination of benefits, claims review and provider integrity systems, interdepartmental service agreements and related program and provider integrity contracts available to the office of Medicaid for achieving the management improvements required under this section; and (v) a proposed timeline for implementation.

The health safety net office shall annually submit a progress report on the plan to the general court by filing it with the clerks of the senate and house of representatives, the joint committee on health care financing and the house and senate committees on ways and means.

**SECTION 27.** Subsection (a) of section 188 of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the definition of “Employer” and inserting in place thereof the following definition:-

“Employer”, an employing unit as defined in section 1 of chapter 151A or in section 1 of chapter 152.

**SECTION 28.** Subsection (d) of said section 188 of said chapter 149, as so appearing, is hereby amended by adding the following sentence:- The division of unemployment assistance shall promulgate regulations necessary to implement this section.

**SECTION 29.** The definition of “Employer” in section 1 of chapter 151F of the General Laws, as so appearing, is hereby amended by striking the last sentence and inserting in place thereof the following sentence:- The word “employer” shall not include a sole proprietor or tax exempt organization, as described in 26 U.S.C. 501, that is exclusively staffed by volunteers.

**SECTION 30.** Said chapter 151F is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. Each employer with 11 or more full-time equivalent employees in the commonwealth shall adopt and maintain a cafeteria plan that satisfies 26 U.S.C. 125 and the regulations promulgated by the connector. The employer shall provide a copy of the cafeteria plan if requested by the connector.

**SECTION 31.** Section 108 of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out, in lines 33 and 34, the words “following loss of dependent status under the Internal Revenue Code” and inserting in place thereof the following words:- after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106.

**SECTION 32.** Section 110 of said chapter 175, as so appearing, is hereby amended by striking out, in lines 379 and 380, the words “loss of dependent status under the Internal Revenue Code” and inserting in place thereof the following words:- end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106.

**SECTION 33.** Chapter 176A of the General Laws is hereby amended by striking out section 8Z, inserted by section 53 of chapter 58 of the acts of 2006.

**SECTION 34.** Said chapter 176A is hereby further amended by inserting after section 8AA the following section:-

Section 8BB. Any subscription certificate under a group nonprofit hospital service agreement, except certificates which provide stand-alone dental services, supplemental coverage to Medicare or other governmental programs, that is delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

**SECTION 35.** Chapter 176B of the General Laws is hereby amended by striking out section 4Z, inserted by section 56 of chapter 58 of the acts of 2000.

**SECTION 36.** Said chapter 176B is hereby further amended by inserting after section 4AA the following section:-

Section 4BB. Any subscription certificate under an individual or group medical service agreement, except certificates that provide stand-alone dental services, that is delivered or issued or renewed in the commonwealth, shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

**SECTION 37.** Chapter 176G of the General Laws is hereby amended by striking out section 4R, inserted by section 58 of chapter 58 of the acts of 2006.

**SECTION 38.** Said chapter 176G is hereby further amended by inserting after section 4S the following section:-

Section 4T. A health maintenance contract, excluding contracts for stand-alone dental services, shall provide coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

**SECTION 39.** The definition of “Group health plan” in section 1 of chapter 176J of the General Laws, as so appearing, is hereby amended by adding the following sentence:- For purposes of this definition, “partnership” shall include a limited liability company with more than 1 member, and a member of such a limited liability company shall be deemed to be a partner.



**SECTION 40.** Section 10 of said chapter 176J, as so appearing, is hereby amended by striking out, in line 5, the figure “19” and inserting in place thereof the following figure:- 18.

**SECTION 41.** Chapter 176Q of the General Laws, as so appearing, is hereby amended by inserting after section 15 the following section:-

Section 15A. There shall be a special commission to investigate and study the role of the connector in providing access to health insurance products. The commission shall examine the connector’s utilization of private sector entities, including insurance brokers, and shall investigate ways to promote efficient enrollment of uninsured individuals into health insurance and prevent unnecessary duplications in the market. The commission shall consist of the house and senate chairs of the joint committee on financial services and the house and senate chairs of the joint committee on health care financing, 1 member of the house who shall be appointed by the minority leader and 1 member of the senate who shall be appointed by the minority leader. The commission shall report its findings and recommendations, including any recommendations for proposed legislation, at least annually, to the clerks of the senate and house of representatives.

**SECTION 42.** Chapter 58 of the acts of 2006 is hereby amended by striking out section 136 and inserting in place thereof the following section:-

Section 136. The website established pursuant to section 16L of chapter 6A of the General Laws shall be operational and shall include links to other websites that display comparative cost and quality information not later than September 1, 2007. The website shall include comparative cost information by facility, clinician or physician group practice for obstetrical services, physician office visits, high-volume elective surgical procedures, high-volume diagnostic tests and high-volume therapeutic procedures, not later than March 1, 2008; provided, however, that such cost information shall include the average payment made on behalf of insured patients for each service or category of service received by each facility, clinician or physician group practice.

**SECTION 43.** The commonwealth health insurance connector, established in chapter 176Q of the General Laws, shall publish a report on implementation of subsection (b) of section 3 of chapter 118H of the General Laws, including the number of eligible individuals enrolled in the commonwealth care health insurance program and the projected premium contribution amounts to be paid by employers. The report shall be submitted not later than January 1, 2008 to the general court, by filing the same with the clerks of the senate and house of representatives, the joint committee on health care financing and the house and senate committees on ways and means.

**SECTION 44.** The first progress report on the plan for oversight and improvement of the Health Safety Net Trust Fund, required under subsection (c) of section 35 of chapter 118G of the General Laws, shall be submitted not later than April 30, 2008.

**SECTION 45.** The first report required by section 15A of chapter 176Q shall be made not later than October 1, 2008.

**SECTION 46.** Section 6 shall take effect for taxable years beginning on or after



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## Chap. 205

January 1, 2007.

**SECTION 47.** Sections 3, 5, 7 and 14, and sections 31 to 38, inclusive, shall take effect on January 1, 2008.

*Emergency Letter: 11/29/07 @ 4:06 P.M*

Approved November 29, 2007.

## Chapter 206. AN ACT PROTECTING AND PRESERVING HOME OWNERSHIP.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith mortgage protection for existing and new home owners, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

7006-0011 For the costs incurred by the division of banks associated with licensure of loan originators pursuant to chapter 255F of the General Laws; provided, that the division may expend revenues in an amount not to exceed \$5,000,000 from the revenue received from administrative fees associated with said licensure fees and from civil administrative penalties pursuant to said chapter 255F; provided that, \$2,000,000 shall be expended from such revenue as grants for the operation of a pilot program for best lending practices, first-time homeowner counseling for non-traditional loans and 10 or more foreclosure education centers pursuant to section 16 and that the grants shall be awarded through a competitive application process under criteria created by the division and that no funds shall be expended from this item in the AA object class for the compensation of state employees for such program; provided, further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commissioner may

incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system ..... \$5,000,000

**SECTION 2.** Chapter 6 of the General Laws is hereby amended by inserting after Section 172I the following section:-

Section 172J. Notwithstanding section 172 or any other general or special law to the contrary, the commissioner of the division of banks may obtain all available criminal offender record information and juvenile data as found in the court activity record information from the criminal history systems board of all applicants for licensure pursuant to chapter 255F. Information obtained under this section shall not be disseminated for any purpose other than to provide mortgage protection for home owners.

**SECTION 3.** Chapter 183 of the General Laws is hereby amended by inserting after section 6C the following section:-

Section 6D. Every mortgage and assignment of mortgage secured by residential property, as defined in section 1 of chapter 255E, presented for record, in which a mortgage broker, as defined in said section 1 of said chapter 255E, is involved shall contain or have endorsed upon it the name, post office address and license number of the mortgage broker and, if applicable, the mortgage loan originator, as defined in section 1 of chapter 255F, responsible for placing the mortgage loan with the mortgagee. This endorsement, or notation that no mortgage broker or mortgage loan originator was involved in the mortgage, if known, shall be recorded as part of the mortgage or assignment of mortgage. Failure to comply with this section shall not affect the validity of any mortgage or the recording of any mortgage or assignment of mortgage.

**SECTION 4.** Section 27 of said chapter 183, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

The holder of a mortgage of real estate, or the holder's representatives, shall provide to the mortgagor or the mortgagor's heirs, successors or assigns a written notice containing an itemized accounting of the disposition of the proceeds arising from a sale under the power of sale including, but not limited to, the sale price, legal fees, auctioneer fees, publication costs and other fees, and any surplus due to the mortgagor, within 60 days after the receipt of such funds provided, that if such sale is subject to further legal proceedings, such accounting shall be stayed until the conclusion of such proceedings.

**SECTION 5.** Section 63A of said chapter 183, as so appearing, is hereby amended by inserting after the word "interest", in line 2, the following words:- , change an adjustable or variable rate to a fixed rate.

**SECTION 6.** Said section 63A of said chapter 183, as so appearing, is hereby further amended by striking out, in line 44, the words "one-half of".

**SECTION 7.** Chapter 184 of the General Laws is hereby amended by inserting after section 17B the following section:-

Section 17B½. No mortgagee who makes a loan to a first-time home loan borrower,

to be secured by a mortgage on owner-occupied, 1 to 4 family residential property in the commonwealth, shall make a subprime loan at a variable or adjustable rate of interest unless the mortgagor affirmatively opts in writing for the variable or adjustable rate subprime loan and receives certification from a counselor with a third-party nonprofit organization that the mortgagor has received counseling in person on the advisability of the loan transaction; provided, further that said third party nonprofit organization shall have been approved by: (1) the United States Department of Housing and Urban Development; (2) a housing financing agency of the commonwealth; (3) the Massachusetts Homeownership Collaborative; (4) or the regulatory agency which has jurisdiction over the mortgagee. The commissioner of the division of banks shall maintain a list of approved counseling programs. At or before closing such a loan, the mortgagee shall obtain evidence that the mortgagor has completed an approved counseling program. If such subprime mortgage loan is made by a mortgagee in violation of this section, the variable or adjustable rate terms of the loan shall not be enforceable and the mortgagee shall only be entitled to collect an interest rate equal to the lesser of the original interest rate, including any discounted rate, or the current adjusted interest rate throughout the remaining term of the loan. The commissioner of banks shall issue directives or guidelines or adopt regulations to administer and carry out this section and to further define the terms used in this section.

**SECTION 8.** The last sentence of section 13 of chapter 186 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following words:- or by foreclosure.

**SECTION 9.** Said chapter 186, is hereby further amended by inserting after section 13 the following section:-

Section 13A. Upon a foreclosure of residential real property pursuant to chapter 244, a tenant, occupying a dwelling unit under an unexpired term for years or a lease for a definite term in effect at the time of the foreclosure by sale, shall be deemed a tenant at will. Foreclosure shall not affect the tenancy agreement of a tenant whose rental payment is subsidized under state or federal law.

**SECTION 10.** Chapter 244 of the General Laws is hereby amended by inserting after section 14 the following section:-

Section 14A. The commissioner of the division of banks, hereinafter referred to as the commissioner, shall maintain a foreclosure database that shall include, but not be limited to, foreclosure activity by mortgage lenders, mortgage holders and mortgage servicers, as well as the mortgage brokers and loan originators who placed these mortgage loans in the commonwealth, including information relative to the original mortgagee and any subsequent assignee. Based on the information received, the commissioner shall produce a report, at least annually, to track developments and trends of mortgage foreclosures on residential property in the commonwealth including, but not limited to, an analysis of the pre-foreclosure notices submitted to the commissioner compared to the final foreclosure notices, and any trends or patterns relative to the geographic location of the residential properties and interest rates. The report shall be available to the public upon request, and the commissioner shall make it available in any other manner that he may choose.



**SECTION 11.** Said chapter 244 is hereby further amended by inserting after section 35 the following section:-

Section 35A. (a) Any mortgagor of residential real property located in the commonwealth consisting of a dwelling house with accommodations for 4 or less separate households and occupied in whole or in part by the mortgagor, shall have a 90 day right to cure a default of a required payment as provided in such residential mortgage or note secured by such residential real property by full payment of all amounts that are due without acceleration of the maturity of the unpaid balance of such mortgage. The right to cure a default of a required payment shall be granted once during any 5 year period, regardless of the mortgage holder.

(b) The mortgagee, or anyone holding thereunder, shall not accelerate maturity of the unpaid balance of such mortgage obligation or otherwise enforce the mortgage because of a default consisting of the mortgagor's failure to make any such payment in subsection (a) by any method authorized by this chapter or any other law until at least 90 days after the date a written notice is given by the mortgagee to the mortgagor.

Said notice shall be deemed to be delivered to the mortgagor when delivered to the mortgagor or when mailed to the mortgagor at the mortgagor's address last known to the mortgagee or anyone holding thereunder.

(c) The notice required in subsection (b) shall inform the mortgagor of the following:-

(1) the nature of the default claimed on such mortgage of residential real property and of the mortgagor's right to cure the default by paying the sum of money required to cure the default;

(2) the date by which the mortgagor shall cure the default to avoid acceleration, a foreclosure or other action to seize the home, which date shall not be less than 90 days after service of the notice and the name, address and local or toll free telephone number of a person to whom the payment or tender shall be made;

(3) that, if the mortgagor does not cure the default by the date specified, the mortgagee, or anyone holding thereunder, may take steps to terminate the mortgagor's ownership in the property by a foreclosure proceeding or other action to seize the home;

(4) the name and address of the mortgagee, or anyone holding thereunder, and the telephone number of a representative of the mortgagee whom the mortgagor may contact if the mortgagor disagrees with the mortgagee's assertion that a default has occurred or the correctness of the mortgagee's calculation of the amount required to cure the default;

(5) the name of any current and former mortgage broker or mortgage loan originator for such mortgage or note securing the residential property; and

(6) that the mortgagor may be eligible for assistance from the Massachusetts Housing Finance Agency and the division of banks and the local or toll free telephone numbers the mortgagor may call to request this assistance.

(d) To cure a default prior to acceleration under this section, a mortgagor shall not be required to pay any charge, fee, or penalty attributable to the exercise of the right to cure a default. The mortgagor shall pay late fees as allowed pursuant to section 59 of chapter 183 and per-diem interest to cure such default. The mortgagor shall not be liable for any attorneys' fees relating to the mortgagor's default that are incurred by the mortgagee or



anyone holding thereunder prior to or during the period set forth in the notice required by this section. The mortgagee, or anyone holding thereunder, may also provide for reinstatement of the note after the 90 day notice to cure has ended.

(e) A copy of the notice required by this section and an affidavit demonstrating compliance with this section shall be filed by the mortgagee, or anyone holding thereunder, in any action or proceeding to foreclose on such residential real property.

(f) A copy of the notice required by this section shall also be filed by the mortgagee, or anyone holding thereunder, with the commissioner of the division of banks. Additionally, if the residential property securing the mortgage loan is sold at a foreclosure sale, the mortgagee, or anyone holding thereunder, shall notify the commissioner of the division of banks, in writing, of the date of the foreclosure sale and the purchase price obtained at the sale.

**SECTION 12.** Section 2 of chapter 255E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 34 to 39, inclusive, the words “, or to any nonprofit agency or corporation incorporated under the laws of the commonwealth for the purpose of assisting low to moderate income households in the purchase or rehabilitation of family residences of four units or less and which holds tax-exempt status granted under the provisions of Section 501(c)(3) or 501(c)4 of the Internal Revenue Code”.

**SECTION 13.** Section 8 of said chapter 255E, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following 8 paragraphs:-

The commissioner shall inspect a licensee's relevant records and evidence of compliance with the provisions of this chapter or any rule or regulation issued hereunder and with any other law, rule or regulation applicable to the conduct of the business for which it is licensed under this chapter. For the purposes of such inspection, the commissioner or a representative of the commissioner shall have access to the offices and place of business, books, accounts, papers, records and files of all such licensees. The commissioner, and any person designated by him, may require the attendance and testimony of any person whom the commissioner deems necessary relative to the conduct and operation of such business. The total cost for any such inspection, which shall be paid by the licensee within 30 days after the receipt of an invoice therefore, shall be in accordance with fees determined annually by the commissioner of administration pursuant to section 3B of chapter 7, including expenses for necessary travel outside the commonwealth for the purposes of conducting such inspections.

During the course of such inspection, a mortgage lender that has made 50 or more home mortgage loans in the last calendar year shall be examined for its compliance with fair lending laws including, but not limited to, the requirements of the federal Equal Credit Opportunity Act, Home Mortgage Disclosure Act, and the Predatory Home Loan Practices Act. Such examination shall also include an evaluation of such mortgage lender's: (a) origination of loans and other efforts to assist low and moderate income residents, without distinction, to be able to acquire or to remain in affordable housing at rates and terms that are reasonable considering the lender's history with similarly situated borrowers, the availability of mortgage loan products suitable for such borrowers, and consistency with safe and sound

business practices; (b) origination of loans and other efforts to assist low and moderate income residents' ability to acquire or to remain in affordable housing; (c) origination of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units; (d) efforts working with delinquent residential mortgage customers to facilitate a resolution of the delinquency; and (e) other efforts, including public notice of the scheduling of examinations and the right of interested parties to submit written comments relative to any such examination to the commissioner, as, in the judgment of the commissioner, reasonably bear upon the extent to which a mortgage lender is complying with the requirements of fair lending laws and helping to meet the mortgage loan credit needs of communities in the commonwealth.

Upon the completion of such examination, the commissioner shall prepare a written evaluation of such lender's record of performance, which shall be open to public inspection upon request, and said written evaluation shall include: (a) the assessment factors utilized to determine the mortgage lender's descriptive rating; (b) the commissioner's conclusions with respect to each such assessment factor; (c) a discussion of the facts supporting such conclusions; and (d) the mortgage lender's descriptive rating and the basis therefor.

Based upon such examination, the mortgage lender shall be assigned 1 of the following descriptive ratings: (a) outstanding record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; (b) high satisfactory record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; (c) satisfactory record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; (d) needs to improve record of performance in meeting the mortgage loan credit needs of communities in the commonwealth; or (e) substantial noncompliance in meeting the mortgage loan credit needs of communities in the commonwealth.

Notwithstanding the foregoing, the commissioner may establish an alternative examination procedure for any mortgage lender, which, as of the most recent examination, has been assigned a rating of outstanding or high satisfactory for its record of performance in meeting its community mortgage loan credit needs.

In considering an application from a licensed mortgage lender for a renewal of a license issued pursuant to this chapter, the commissioner shall consider, but not be limited to, the record of performance of any such lender in accordance with this section. Said record of performance may provide the basis for the denial of any such renewal application.

For the purposes of this section, no mortgage lender may include a loan origination or loan purchase for consideration as part of its examination under this section if another mortgage lender claims the same loan origination or purchase for its review under this section or under section 14 of chapter 167.

The commissioner shall adopt regulations implementing the requirements of this section.

**SECTION 14.** Section 10 of said chapter 255E, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

Whoever violates section 2 or any rule or regulation promulgated thereunder shall be punished by a fine of not more than \$2,000 or by imprisonment in the house of correction for not more than 2 ½ years or by imprisonment in state prison for not more than 5 years, or both such fine and imprisonment.

**SECTION 15.** The General Laws are hereby amended by inserting after chapter 255E the following chapter:-

**CHAPTER 255F.**

**LICENSING OF MORTGAGE LOAN ORIGINATORS.**

Section 1. As used in this chapter, the following words shall, unless the context otherwise requires, have the following meanings:-

“Commissioner”, the commissioner of banks.

“Division”, the division of banks.

“Entity”, a person or entity that is a licensee under chapter 255E, as regulated by the division.

“Mortgage loan originator”, a natural person who:- (a) is employed by or associated with 1 and not more than 1 entity; and (b) negotiates, solicits, arranges, provides or accepts residential mortgage loan applications, or assists consumers in completing such applications, except that employees whose responsibilities are limited to clerical and administrative tasks and who do not solicit borrowers, accept applications or negotiate the terms of residential mortgage loans on behalf of the employer shall not be considered mortgage loan originators and do not require licenses.

“Mortgage loan”, a loan or an extension of credit including, but not limited to, an extension of credit pursuant to a contract or an assigned contract for the sale of goods or services, made to a natural person, the proceeds of which are to be used primarily for personal, family or household purposes, and which is secured wholly or partially by a mortgage on residential property.

“Residential property”, real property located in the commonwealth having thereon a dwelling house with accommodations for 4 or less separate households and occupied, or to be occupied, in whole or in part by the obligor on the mortgage debt.

Section 2. No natural person shall act as a mortgage loan originator unless such person has first obtained a mortgage loan originator license from the commissioner. An entity shall not knowingly employ or retain a mortgage loan originator unless the mortgage loan originator is licensed under this chapter.

Section 3. (a) The application for a mortgage loan originator license shall be in the form prescribed by the commissioner and shall contain the name, address and license number of the entity with whom a mortgage loan originator is or will be employed or associated with and other information as the commissioner may require, including evidence of compliance with subsection (b). The application shall also include a description of the activities of the applicant, in such detail and for such periods as the commissioner may require, and such further information as the commissioner may require. The commissioner may obtain, pursuant to section 172J of chapter 6 all available criminal offender record information from



the criminal history systems board on an applicant for a mortgage loan originator license by means of fingerprint checks, and from the Federal Bureau of Investigation for a national criminal history records check. The information obtained thereby may be used by the commissioner to determine the applicant's eligibility for licensing under this chapter. Receipt of criminal history record information by a private entity is prohibited. Each application for a license shall be accompanied by an investigation fee. Investigation and license fees shall be determined annually by the secretary of administration under section 3B of chapter 7, but such total annual fees shall be not less than \$500; provided, that such investigation and license fees shall not apply to any community development corporation as defined in section 1 of chapter 40F and organized under the General Laws.

(b) An applicant shall have completed a residential mortgage lending course, approved by the division, not later than the 2 year period immediately preceding the date of the application.

Section 4. If the commissioner finds that the financial responsibility, character, reputation, integrity and general fitness of the applicant is such as to warrant belief that the applicant will act honestly, fairly, soundly and efficiently in the public interest, consistent with the purposes of this chapter, the commissioner shall issue the applicant a license to engage in the business of a mortgage loan originator upon payment of the required fees. If the commissioner shall not so find, or if the applicant's criminal history demonstrates any felony convictions or other convictions or admissions to sufficient facts involving fraud or if the applicant has had any adverse civil judgments involving fraudulent dealings, the commissioner shall not issue a license and shall notify the applicant of the denial. Within 20 days thereafter, the commissioner shall enter upon the division's records a written decision and findings containing the reasons supporting the denial and shall forthwith give written notice thereof by registered mail to the applicant. Within 30 days after receipt of such notice, the applicant may seek judicial review of the denial in accordance with section 14 of chapter 30A.

Section 5. A mortgage loan originator may transact business only for an employing entity. Each original license issued to a mortgage loan originator must be provided to and maintained by the employing entity at the entity's main office. If the employment of a mortgage loan originator is terminated, the employing entity shall return the mortgage loan originator's license to the division within 5 business days after termination. The reason for termination shall be given in a format determined by rules and regulations of the commissioner. For a period of 1 year after the termination of employment, the mortgage loan originator may request the re-assignment of the license to another entity by submitting an application to the division, along with a fee established by the division by rule. The return of the license of any mortgage loan originator to the division that is not re-assigned to another entity terminates the right of the mortgage loan originator to engage in any residential mortgage loan origination activity until division procedures have been followed to reactivate such license. The license of any mortgage loan originator that has been returned to the division and not re-assigned to another entity within 1 year of termination of employment shall be cancelled.



Each license shall state the name of the mortgage loan originator licensee and the name and main office address of the entity employing such mortgage loan originator.

The commissioner may establish an expedited re-assignment process of a mortgage loan originator's license to another entity if the reason for such re-assignment is directly related to increased responsibilities or compensation.

The commissioner may adopt, amend or repeal rules and regulations to aid in the administration and enforcement of this chapter.

Section 6. Each application for a license shall be accompanied by an investigation fee. Investigation and license fees shall be determined annually by the secretary of administration under section 3B of chapter 7 provided that such total annual fees shall be not less than \$500; provided further, that such investigation and license fees shall not apply to any community development corporation as defined in section 1 of chapter 40F and organized under the General Laws. The license of a mortgage loan originator shall expire annually. Each licensee, shall annually, on or before a date to be determined by the commissioner, submit a license renewal application. The license renewal application shall be on a form prescribed by the commissioner, signed under the pains and penalties of perjury, containing such information as the commissioner may require.

As determined by the commissioner, licensees shall complete at least 8 hours of residential mortgage lending continuing education courses every 3 years. Failure of the licensee to satisfy the continuing education requirement shall render the mortgage loan originator ineligible for renewal and such license shall be deemed to be inactive. A mortgage loan originator who neglects to file an application or fails to amend the same within 15 days of notice from the commissioner directing that the application be amended shall be deemed inactive. Inactive mortgage loan originators shall be prohibited from engaging in business as a mortgage loan originator.

Section 7. The commissioner may suspend, revoke or refuse to renew any license issued pursuant to this chapter if the commissioner finds that:- (1) the licensee has violated this chapter or any rule or regulation adopted hereunder, or any other law applicable to the conduct of its business; (2) any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing to issue such license; or (3) the licensee has committed any fraud, misappropriated funds or misrepresented any of the material particulars of a mortgage loan transaction.

Except as provided in section 8, no license shall be revoked or suspended except after notice and a hearing thereon pursuant to chapter 30A. Any order issued pursuant to this section shall be subject to judicial review in accordance with section 14 of said chapter 30A.

A licensee may surrender his license by delivering to the commissioner written notice that he hereby surrenders such license, but such surrender shall not affect the civil or criminal liability of the licensee for acts committed before such surrender.

Section 8. (a) If the commissioner determines, after giving notice of and opportunity for a hearing, that a licensee has engaged in an act or practice constituting a violation of this chapter or a rule, regulation or order promulgated hereunder, the commissioner may order such licensee to cease and desist from such unlawful act or practice and take such affirmative

action as in the commissioner's judgment will affect the purposes of this chapter.

(b) If the commissioner makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commissioner may issue a temporary cease and desist order. Upon the entry of a temporary cease and desist order, the commissioner shall promptly notify, in writing, the licensee and the employing entity affected thereby that such order has been so entered, the reasons therefore, and that, within 20 days after the receipt of a written request from such licensee, the matter will be scheduled for hearing to determine whether such temporary order shall become permanent and final. If no such hearing is requested and none is ordered by the commissioner, the order shall remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after giving notice of and opportunity for a hearing to the licensee and the employing entity subject to said order shall, by written findings of fact and conclusions of law, vacate, modify or make permanent the order.

(c) No order issued pursuant to this section, except an order issued pursuant to subsection (b), may be entered without prior notice of and opportunity for a hearing. The commissioner may vacate or modify an order under this section upon finding that the conditions which required such an order have changed and that it is in the public interest to so vacate or modify.

Any order issued pursuant to this section shall be subject to judicial review in accordance with section 14 of chapter 30A.

Section 9. The commissioner may enforce this chapter, or restrain any violations thereof, by filing a civil action in any court of competent jurisdiction.

Section 10. Whoever violates section 2 or any rule or regulation promulgated thereunder shall be punished by a fine of not more than \$2,000 or by imprisonment in the house of correction for not more than 2 ½ or by imprisonment in state prison for not more than 5 years, or by both such fine and imprisonment. Each day such violation occurs or continues shall be deemed a separate offense. The penalty provision of this section shall be in addition to any other law applicable to a licensee or other person for violating section 2 or any rule or regulation made thereunder.

Section 11. (a) Whenever the commissioner finds that any licensee has violated this chapter or any rule or regulation promulgated thereunder, or any other law of the commonwealth applicable to the conduct of a mortgage loan originator on residential property in the commonwealth, the commissioner may, by order, in addition to any other action authorized under this chapter or any rule or regulation made thereunder, impose a penalty upon the person which shall not exceed \$5,000 for each violation up to a maximum of \$100,000 for such violation plus the costs of investigation. The commissioner may impose a penalty which shall not exceed \$5,000 for each violation of this chapter, or any rule or regulation promulgated hereunder, by a person other than a licensee, plus the costs of investigation.

(b) Nothing in this section shall limit the right of any individual or entity who has been injured as a result of any violation of this chapter by a licensee, or any person other than

a licensee, to bring an action to recover damages or restitution in a court of competent jurisdiction.

(c) Any findings or orders issued by the commissioner pursuant to this section shall be subject to review as provided in chapter 30A.

Section 12. (a) Whenever the commissioner determines that any person has, directly or indirectly, violated this chapter or any rule or regulation promulgated hereunder, applicable to the conduct of a mortgage loan originator on residential property in the commonwealth, any order issued by the commissioner pursuant to this chapter or any written agreement entered between the licensee and the commissioner, the commissioner may serve upon that person a written notice of intention:-

(1) to prohibit the person from performing in the capacity of a principal employee on behalf of any licensee for a period of time that the commissioner considers necessary;

(2) to prohibit the person from applying for or obtaining a license from the commissioner for a period up to 36 months following the effective date of an order issued under subsection (b) or (c); or

(3) to prohibit the person from any further participation, in any manner, as a mortgage loan originator in the commonwealth or to prohibit the person from being employed by, as agent of, or operating on behalf of a licensee under this chapter or any other business which requires a license from the commissioner.

(b) A written notice issued under subsection (a) shall contain a written statement of the facts that support the prohibition and shall give notice of an opportunity for a hearing to be held thereon. The hearing shall be fixed for a date not more than 30 days after the date of service upon the commissioner of the request for a hearing. If the person fails to submit a request for a hearing within 20 days of service of notice under subsection (a), or otherwise fails to appear in person or by a duly authorized representative, the party shall be considered to have consented to the issuance of an order of prohibition in accordance with the notice.

(c) In the event that consent is granted by operation of subsection (b), or if after a hearing the commissioner finds that any of the grounds specified in the notice have been established, the commissioner may issue an order of prohibition in accordance with subsection (a) as the commissioner finds appropriate.

(d) An order issued under subsection (b) or (c) shall be effective upon service upon the person. The commissioner shall also serve a copy of the order upon the licensee of which the person is an employee or on whose behalf the person is performing. The order shall remain in effect and enforceable until it is modified, terminated, suspended or set aside by the commissioner or a court of competent jurisdiction.

(e) Except as consented to in writing by the commissioner, any person who, pursuant to an order issued under subsection (b) or (c), has been prohibited from participating in whole or in part as a mortgage loan originator may not, while the order is in effect, continue or commence to perform in the capacity of a mortgage loan originator, or otherwise participate in any manner, if so prohibited by order of the commissioner, in the conduct of the affairs of:-



- (1) any licensee under this chapter;
- (2) any other business which requires a license from the commissioner; or
- (3) any bank as defined under section 1 of chapter 167 or any subsidiary thereof.

Section 13. The commissioner may suspend, revoke or refuse to renew the license of the entity employing any licensed mortgage originator if the commissioner finds that: (a) the entity knew or should have known that the mortgage loan originator violated this chapter or any rule or regulation promulgated hereunder, or any other law applicable to the conduct of its business; (b) the entity knew of any fact or condition to exist which, if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing to issue such license; (c) the mortgage loan originator committed any fraud, misappropriated funds or misrepresented any of the material particulars of a mortgage loan transaction approved by the entity; or (d) The entity has failed to comply with the reporting requirements set forth in section 15.

Section 14. Each licensee shall, when directed by the commissioner, permit the commissioner or a duly authorized representative to inspect its relevant records and evidence of compliance with this chapter or any rule or regulation issued hereunder and with any other law, rule and regulation applicable to the conduct of a mortgage loan originator licensed under this chapter.

Section 15. An entity employing any licensed mortgage originator shall annually report the following to the commissioner of banks:- (1) the total number of loans originated by all such licensees; (2) the geographic distribution of such loans; (3) the number of defaults of such loans; and (4) any such other information the commissioner may require consistent with this chapter.

**SECTION 16.** The division of banks, in consultation with the city of Boston, the department of housing and community development, the Massachusetts Housing Finance Agency and the Massachusetts Bankers Association, shall develop a pilot program to identify best practices for financial institutions to provide first time homebuyer loans, to provide for foreclosure prevention for at-risk homeowners, and to assist approved counseling programs with in-person counseling pursuant to section 17B½ of chapter 184 of the General Laws, as provided for in item 7006-0011 in section 1.

Such pilot program, shall also provide for best lending and borrowing practices for consumers and mortgagees in cities or towns with: (1) housing units within low or moderate income census tracts as defined by the United States census bureau; or (2) high foreclosure activity as measured by residential foreclosure petitions filed over the total number of 1 to 4 family housing units within such city or town. Such guidelines and counseling shall provide for best practices that: (a) attain a minimal risk of high cost lending; (b) have a demonstrated ability to avoid foreclosures; (c) have a demonstrated record of pricing that ensures uniformity of lending; (d) avoid a disparity of pricing in low and moderate income census tracts; and (e) maintain foreclosure prevention practices that meet or exceed standards met by government sponsored enterprises.



Such pilot program shall also provide for foreclosure training to 10 or more foreclosure education centers for counseling and assistance to owner-occupied 1 to 4 family dwellings in such geographic areas.

On or before December 31, 2008, the division of banks shall report the results of such pilot program to the general court.

**SECTION 17.** Notwithstanding any general or special law to the contrary, the division of banks shall open an investigation and study relative to a residential mortgage lending course examination process pursuant to subsection (b) of section 3 of chapter 255F of the General Laws. The division shall report to the general court the results of its investigation and study and its recommendations by filing the same with the clerks of the house of representatives and the senate, who shall forward the same to the chairmen of the joint committees on financial services and housing on or before December 1, 2008.

The commissioner of the division of banks shall adopt rules and regulations to produce an examination to be administered to mortgage loan originators upon completion of a residential mortgage lending course as provided under said chapter 255F. Such rules or regulations shall require that, after December 1, 2009, the commissioner shall administer such examination in the manner he deems appropriate for any applicant for a mortgage loan originator license who shall first pass such examination to be eligible to apply for a license under said chapter 255F.

**SECTION 18.** The commissioner of the division of banks shall adopt the initial rules and regulations required under section 17 not later than December 1, 2009.

**SECTION 19.** A natural person who meets the definition of a mortgage loan originator under section 1 of chapter 255F of the General Laws before the effective date of this act may obtain a mortgage loan originator license from the commissioner of banks pursuant to said chapter 255F within 180 days after said effective date, notwithstanding the requirements of subsection (b) of section 3 of said chapter 255F, if he submits an application therefor and otherwise complies with the requirements of said chapter 255F.

**SECTION 20.** Section 7 shall take effect on January 31, 2008.

**SECTION 21.** Section 11 shall take effect on May 1, 2008 and apply to all mortgages of residential real property located in the commonwealth consisting of a dwelling house with accommodations for 4 or less separate households and occupied in whole or in part by the mortgagor and which secures a loan before, on or after the effective date of this act. Said section 11 shall not apply to such mortgages accelerated or whose statutory condition has been voided under the terms of the mortgage to secure the note, prior to the effective date of this act.

**SECTION 22.** Section 15 shall take effect on July 1, 2008.

*Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Section 2.*

*The remainder of the bill was approved by the Governor on November 29, 2007 at four o'clock and forty minutes, P.M.*

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**Chapter 207. AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO SULLIVAN MCLAUGHLIN COMPANIES, INC.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of sections 40E through 40J of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may, in consultation with the commissioner of the department of conservation and recreation, convey for parking purposes certain property located on Tenean Street in the city of Boston, including any and all rights-of-way and easements appurtenant thereto, currently under the control of and used by the department of conservation and recreation for recreation and natural resource purposes, to Sullivan & McLaughlin Companies, Inc. Said parcel is more particularly described as being all or a portion of Parcel 2 in the "Order of Taking, Commonwealth of Massachusetts, Metropolitan District Commission" dated January 18, 1962, recorded at the Suffolk registry of deeds in book 7624, page 579 and shown on the plan made a part thereof and recorded therewith entitled: "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, William T. Morrissey Boulevard, Boston (Dorchester District), Plan of Land to be Taken from the City of Boston Board of Park Commissioners under the provisions of Chapter 509, Acts of 1949, \* \* \* January 17, 1962, Benjamin W. Fink, Director of Park Engineering," being plan accession number 40251-V.T; provided, however, that the deed conveying said parcel shall contain a restriction that the parcel shall be used only for parking purposes. The exact boundaries of the parcel shall be determined by the commissioner of the division of capital asset management and maintenance in consultation with the commissioner of the department of conservation and recreation after completion of a survey. The consideration for said conveyance shall be the full and fair market value of said parcel as determined by the commissioner of the division of capital asset management and maintenance pursuant to 1 or more independent professional appraisals. This parcel shall be conveyed by deed without warranties or representations by the commonwealth.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to section 1. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of the division of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner of the division of capital asset management and maintenance shall, 30 days before the execution of any conveyance authorized by this act, or any subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15

days of receipt of the proposed conveyance or amendment. The commissioner of the division of capital asset management and maintenance shall submit the proposed conveyance or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before execution of the conveyance.

**SECTION 3.** Notwithstanding any general or special law to the contrary, upon an agreement to convey the parcel described in section 1 to Sullivan & McLaughlin Companies, Inc., the commissioner of the division of capital asset management and maintenance shall grant a temporary lease or license to said Sullivan & McLaughlin Companies, Inc. at a nominal amount that will provide Sullivan & McLaughlin Companies, Inc. with complete access and control of the property until the conveyance takes effect.

**SECTION 4.** Notwithstanding any general or special law to the contrary, Sullivan & McLaughlin Companies, Inc. shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and deed preparation related to the conveyance authorized pursuant to this act as such costs may be determined by the commissioner of the division of capital asset management and maintenance.

Approved November 30, 2007.

**Chapter 208. AN ACT AUTHORIZING THE APPOINTMENT OF KEVIN P. FARRAGHER AS A FIREFIGHTER IN THE TOWN OF NORTH ANDOVER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, Kevin P. Farragher of the town of North Andover shall be eligible to have his name certified for original appointment to the position of firefighter in the town of North Andover, notwithstanding his having reached the age of 32 before taking the civil service examination in connection with such appointment, if he meets all other civil service requirements and the hiring practices of the town of North Andover.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 5, 2007.

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**Chapter 209. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF EASTON TO LEASE A CERTAIN PARCEL OF LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, and specifically exempting the lease from chapter 30B of the General Laws, the town of Easton may lease a certain parcel of land to the Ames Free Library of Easton, Inc., a corporation duly organized pursuant to the laws of the commonwealth for a term not to exceed 50 years to construct parking facilities associated with the operation of the Ames Free Library. The parcel is identified on Assessor's Map 16U, Lot 161 and contains 47,629 square feet of land, more or less, and is also shown as Lot 3 on a plan of land entitled, "SHAKESPEARE GLEN, Definitive Subdivision, Plan of Land in Easton, Mass. Scale 40 feet to an inch July 27, 1985 Ernest W. Branch, Inc., Civil Engineers, Munroe Building, 1245 Hancock St., Quincy Revised: August 21, 1985 September 4, 1985", which was recorded at the Bristol northern district registry of deeds in plan book 348, pages 62-64, together with all the rights, titles and interests of Lots 5 and 6 shown on the aforesaid plan in Theater way.

**SECTION 2.** The board of selectmen of the town of Easton may determine the terms and conditions of a lease for the parcel of land as described in section 1 as the board determine to be in the best interests of the town. The lease shall include, but shall not be limited to, terms that: limit the number of parking spaces on the parcel to no more than 35; provide for the protection, preservation, maintenance, stewardship, renovation and restoration of the Estate Garden Park, subject to the approval of the Easton Historical Commission; and provide for public access to the Estate Garden Park.

**SECTION 3.** This act shall take effect upon its passage.

Approved December 10, 2007.

**Chapter 210. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KAREN RICE, AN EMPLOYEE OF THE TEACHERS' RETIREMENT SYSTEM.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the teachers' retirement system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the executive director of the teachers' retirement system shall establish a sick leave bank for Karen Rice, an employee of the system. Any employee of the system may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Karen



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Rice. Whenever Karen Rice terminates employment with the system or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved December 10, 2007.

**Chapter 211. AN ACT RELATIVE TO THE USE OF CERTAIN BOND PROCEEDS  
BY THE BLACKSTONE-MILLVILLE REGIONAL SCHOOL  
DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 20 of chapter 44 of the General Laws, the Blackstone-Millville Regional School District may appropriate all or a portion of the balance of the proceeds of the bonds sold to build and originally equip the Frederick W. Hartnett middle school for any of the following purposes at the Blackstone-Millville Regional High School: (a) remodeling and making extraordinary repairs to the building; (b) construction of a sewerage system to connect the building to the town of Blackstone’s municipal sewer system; (c) purchasing departmental equipment; (d) construction, reconstruction of or making improvements to outdoor playgrounds and athletic or recreational facilities; and (e) construction, reconstruction or resurfacing of roadways and parking lots.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 10, 2007.

**Chapter 212. AN ACT RELATIVE TO PROPERTY TAX CLASSIFICATIONS IN  
THE CITY OF MEDFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 1A of chapter 58 of the General Laws or any other general or special law or rule or regulation to the contrary, the commissioner of revenue shall further adjust the minimum residential factor of the city of Medford determined under said section 1A of said chapter 58 for fiscal years 2008, 2009 and 2010, if adoption of such factor for any such year would result in the residential property class bearing a higher percentage of the total property tax levy than the percentage of the total property tax levy imposed on the residential property class than in the prior fiscal year. The new minimum residential factor for such year shall be: (i) for fiscal year 2008, 50 per cent, subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed 183 per cent of the full and

fair cash valuation of the taxable property of that class divided by the full and fair cash valuation of all taxable real and personal property in the city of Medford; (ii) for fiscal year 2009, 50 per cent, subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed 179 per cent of the full and fair cash valuation of the taxable property of that class divided by the full and fair cash valuation of all taxable real and personal property in the city of Medford; and (iii) for fiscal year 2010, 50 per cent, subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed 175 per cent of the full and fair cash valuation of the taxable property of that class divided by the full and fair cash valuation of all taxable real and personal property in the city of Medford.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 11, 2007.

### **Chapter 213. AN ACT RELATIVE TO PROPERTY TAX CLASSIFICATION IN THE CITY OF NORTH ADAMS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 1A of chapter 58 of the General Laws or any other general or special law or rule or regulation to the contrary, the commissioner of revenue shall further adjust the minimum residential factor of the city of North Adams determined under said section 1A of said chapter 58 for fiscal years 2008, 2009 and 2010, if adoption of such factor for any such year would result in the residential property class bearing a higher percentage of the total property tax levy than the percentage of the total property tax levy imposed on the residential property class in the prior fiscal year. The new minimum residential factor for such year shall be: (i) for fiscal year 2008, 50 per cent, subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed 183 per cent of the full and fair cash valuation of the taxable property of that class divided by the full and fair cash valuation of all taxable real and personal property in the city of North Adams; (ii) for fiscal year 2009, 50 per cent, subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed 179 per cent of the full and fair cash valuation of the taxable property of that class divided by the full and fair cash valuation of all taxable real and personal property in the city of North Adams; and (iii) for fiscal year 2010, 50 per cent, subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed 175 per cent of the full and fair cash

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valuation of the taxable property of that class divided by the full and fair cash valuation of all taxable real and personal property in the city of North Adams.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 11, 2007.

## **Chapter 214. AN ACT AUTHORIZING THE WACHUSETT REGIONAL SCHOOL DISTRICT TO BORROW MONEY FOR THE CLEANUP OF OIL CONTAMINATION AND RELATED COSTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the Wachusett Regional School District may borrow, from time to time, such sums of money as may be necessary, not to exceed an aggregate amount of \$2,000,000, for the purpose of paying the costs for environmental remediation and cleanup of the oil contamination of district property which resulted from the release of oil from an underground storage tank on the district's property, including ongoing operating, assessment and remediation efforts as required by the department of environmental protection or otherwise, and may issue bonds or notes therefor. Each authorized issue shall constitute a separate loan and each such loan shall be payable within 15 years from its date of issue. Any borrowing pursuant to this act shall be authorized by a majority vote of the regional district school committee pursuant to chapter 71 of the General Laws and the Wachusett regional school district agreement. The principal of and interest on any borrowing incurred pursuant to this act shall be apportioned among the member towns pursuant to section 15.5 of said district agreement. The proceeds of any borrowing incurred pursuant to this act may be used by the district to reimburse funds of the district expended, prior to the effective date of this act and prior to any vote of the regional district school committee authorizing a borrowing pursuant to this act as herein provided, for the costs described above.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 14, 2007

## **Chapter 215. AN ACT AUTHORIZING MICHAEL MCHUGH TO TAKE THE CIVIL SERVICE EXAMINATION FOR THE POSITION OF POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith Michael McHugh to take the civil service examination for the position of police officer notwithstanding the maximum age requirement, therefore it is hereby

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declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer, Michael McHugh of the city of Boston shall be eligible to take the next open competitive examination for appointment to the position of police officer and if he meets all other requirements, shall be eligible for certification and appointment to such position.

Approved December 14, 2007

**Chapter 216. AN ACT PROHIBITING CERTAIN MULTIPLE OFFICE HOLDINGS  
IN THE TOWN OF BURLINGTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, an elected official shall hold only 1 elected position in the town of Burlington. If an elected official shall be elected to an additional office in violation of this section, the elected official shall be deemed to have vacated the initial office held upon being sworn into the new office. If the elected official fails to be sworn into the new office within 10 days after the election, the new office shall be declared vacant.

**SECTION 2.** The board of selectmen of the town of Burlington shall cause to be placed on the official ballot at the next annual town election after the effective date of this act, the following question: "Shall an act passed by the general court entitled, An Act prohibiting certain multiple office holdings in the town of Burlington be accepted?" If a majority of votes cast in answer to the question is in the affirmative, section 1 shall take effect immediately in the town of Burlington, but not otherwise.

**SECTION 3.** Any person holding an elected position in the town of Burlington on the effective date of section 1 shall be exempt from the operation of said section 1 until the expiration of the term of the current position.

Approved December 18, 2007



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**Chapter 217. AN ACT AUTHORIZING THE TOWN OF ASHBURNHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ashburnham may grant an additional license for the sale of alcoholic beverages not to be drunk on the premises to Tweedo's Variety and Pizza, Inc. located at 3 Dunn road in the town of Ashburnham. The license shall not be transferable off the premises and shall be subject to all of said chapter 138 of said section 17.

Notwithstanding any general or special law or rule or regulation to the contrary, the licensing authority of the town of Ashburnham shall not approve the transfer of the license to any other location. The license may be re-issued by the local alcohol licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Ashburnham. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 18, 2007

**Chapter 218. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may grant an additional license for the sale of wines and malt beverages to be drunk on the premises to Young Nam Lee d/b/a the Westborough Korean Restaurant at 7 East Main street in the town of Westborough. The license shall be subject to all of said chapter 138 except said section 17.

Notwithstanding any general or special law or rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location. The license may be granted by the licensing authority at the same location if an applicant for the license files with the authority a letter in writing from the department of revenue indicating

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that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 21, 2007

**Chapter 219. AN ACT RELATIVE TO INVESTMENTS OF DENTAL SERVICE CORPORATIONS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith investments of dental service corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Chapter 176 E of the General Laws is hereby amended by striking out section 10, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 10. The reserves of a dental service corporation shall be invested only in such securities as are permitted under chapter 175 for the investment of the reserves of insurance companies. A dental service corporation shall have the right to acquire and own real estate to be occupied by itself in the transaction of its business. The commissioner may require any such corporation after its first full calendar year of doing business to accumulate and maintain a special contingent surplus, over and above its reserves and liabilities, in such amount as the commissioner may deem proper. All other funds of a dental service corporation shall be invested only as is permitted by chapter 180A for the investment of institutional funds.

Approved December 28, 2007

**Chapter 220. AN ACT RELATIVE TO THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 5 of chapter 470 of the acts of 1973 is hereby amended by striking out the last paragraph, inserted by section 3 of chapter 631 of the acts of 1979, and

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inserting in place thereof the following paragraph:-

The selectmen or town council of any member town may, upon the nomination and approval of the committee, annually appoint two persons residing in the district to serve as alternate members of the committee. The committee chairman may designate an alternate member to sit on the committee for the purpose of acting upon an application in the event of a committee member's absence, inability to act or conflict of interest or in the event of a vacancy on the committee.

**SECTION 2.** This act shall take effect upon its passage

Approved December 28, 2007

## Chapter 221. AN ACT RELATIVE TO THE JACOB SEARS MEMORIAL LIBRARY.

*Be it enacted, etc., as follows:*

**SECTION 1.** The first paragraph of section 2 of chapter 254 of the acts of 1908, as appearing in section 1 of chapter 119 of the acts of 2004, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The 3 trustees, all of whom shall be residents of what is commonly known as East Dennis, in the town of Dennis, shall be elected by a vote of the residents of Quivet Neck.

**SECTION 2.** Section 4 of said chapter 254 is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- The inhabitants of Quivet Neck above the age of 18, who have resided in Quivet Neck for a period of 1 year before the time of the meetings described in this section, may elect by ballot annually a committee of 5 inhabitants of East Dennis, who shall not be trustees or their successors. The duties of the committee shall be to advise the trustees as to the administration of the said trust.

**SECTION 3.** Said chapter 254 is hereby further amended by inserting after section 7 the following section:-

Section 7A. The area of East Dennis shall be defined on an annual basis to comply with the district definition of the Dennis chamber of commerce including, but not limited to, state highway routes 134 and 6A within the defined area.

**SECTION 4.** This act shall take effect upon its passage

Approved December 28, 2007

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**Chapter 222. AN ACT AUTHORIZING THE TOWN OF AQUINNAH TO GRANT LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES IN RESTAURANTS WITH SEATING CAPACITIES OF NOT LESS THAN 15.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Aquinnah may grant to restaurants with seating capacities of not less than 15, including restaurants within inns and hotels, licenses for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138 except section 17. The wines or malt beverages served pursuant to a license granted under this act shall be served only by a waitperson at a dining table with a meal. The licensing authority may from time to time adopt rules and regulations for the granting of the licenses and to carry out the purposes of this act. The licenses may be issued seasonally or annually.

**SECTION 2.** Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen shall cause to be placed on the ballot at a regular or special election the following question:

“Shall an act passed by the general court in the year 2007 entitled, ‘An Act authorizing the town of Aquinnah to grant licenses for the sale of wines and malt beverages to be drunk on the premises in restaurants with seating capacities of not less than 15’ be accepted?”

If a majority of the votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in restaurants with seating capacities of not less than 15.

**SECTION 3.** This act shall take effect upon its passage.

Approved December 28, 2007

**Chapter 223. AN ACT RELATIVE TO THE MORTGAGE INDUSTRY.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the mortgage industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 255E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the definition of “Mortgage loan” the following definition:-



“Multi-state licensing system”, a system involving 1 or more states, the District of Columbia, or the Commonwealth of Puerto Rico for the sharing of regulatory information and the licensing and application processes, by electronic or other means, for mortgage lenders and mortgage brokers.

**SECTION 2.** Said chapter 255E is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. The application for a license shall be in a form prescribed by the commissioner and shall contain the name and address or addresses where the business of the applicant is located and if the applicant is a partnership, association, corporation, or other form of business organization, the names and addresses of each member, director, principal officer thereof, and any individual acting as a manager of an office location. Such application shall also include a description of the activities of the applicant, in such detail and for such periods as the commissioner may require, as well as such further information as the commissioner may require. The commissioner may require a background investigation of each applicant for a mortgage broker or mortgage lender license by means of fingerprint checks by the criminal history systems board pursuant to section 172 of chapter 6, and the Federal Bureau of Investigation for state and national criminal history record checks. If the applicant is a partnership, association, corporation or other form of business organization, the commissioner may require such background investigation by means of fingerprint checks on each member, director, principal officer of such applicant, and any individual acting as a manager of an office location. Receipt of criminal history record information by a private entity shall be prohibited. Each application for a license shall be accompanied by an investigation fee. Investigation and license fees shall be determined annually by the commissioner of administration under section 3B of chapter 7.

The commissioner may participate in a multi-state licensing system for mortgage lenders and mortgage brokers. The commissioner may establish requirements for participation by an applicant in a multi-state licensing system which may vary from the provisions set out in sections 3 and 5. The applicant shall pay directly to such multi-state licensing system any additional fee relating to participation in such multi-state licensing system. The commissioner shall ensure that the multi-state licensing system adopts appropriate privacy, data security and security breach notification policies. Upon written request, the commissioner shall make available within 30 days, a copy of the contract between the division and the multi-state licensing system that satisfies this section.

**SECTION 3.** Section 5 of said chapter 255E, as so appearing, is hereby amended by striking out the first 6 sentences and inserting in place thereof the following 6 sentences:- Each license shall state the address at which the business is to be conducted and shall state the name of the licensee. If a licensee intends to carry on such business at any place in addition to the address on the license, he shall so notify the commissioner, in writing, at least 30 days prior thereto, and he shall pay a fee for such additional location at a reasonable cost as determined by the commissioner. Such notice shall contain the address of any such additional location and such other information as the commissioner may require; provided,

however, that any such business shall at all times be conducted in the name of the licensee as it appears on the license. A copy of such license shall be prominently posted in each place of business of the licensee. Such copies for places of business at addresses other than that appearing on the license may be obtained at a reasonable cost, as determined by the commissioner. Such license shall not be transferable or assignable and shall expire annually on a date determined by the commissioner.

**SECTION 4.** Section 8 of said chapter 255E, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Each licensee shall annually, on or before a date determined by the commissioner, file a report with the commissioner containing such information as said commissioner may require concerning the business and operations conducted by the licensee in the commonwealth during the preceding calendar year.

**SECTION 5.** Said section 8 of said chapter 255E, as so appearing, is hereby further amended by adding the following paragraph:-

The commissioner shall preserve a full record of each such examination of a licensee, including a statement of its condition. All records of investigation and reports of examination by the commissioner, including work papers, information derived from such reports or in response to such reports, and any copies thereof in the possession of any licensee under the supervision of the commissioner, shall be confidential and privileged communications, shall not be subject to subpoena and shall not be a public record under clause Twenty-sixth of section 7 of chapter 4. For the purpose of this paragraph, records of investigation and reports of examinations shall include records of investigation and reports of examinations conducted by any bank regulatory agency of the federal government and any other state, and of any foreign government which are considered confidential by such agency or foreign government and which are in possession of the commissioner. In any proceeding before a court, the court may issue a protective order to seal the record protecting the confidentiality of any such record, other than any such record on file with the court or filed in connection with the court proceeding, and the court may exclude the public from any portion of a proceeding at which any such record may be disclosed. Copies of such reports of examination shall be furnished to a licensee for its use only and shall not be exhibited to any other person, organization or agency without prior written approval by the commissioner. The commissioner may, in his discretion, furnish to regulatory agencies of the federal government, of other states, or of foreign countries and any law enforcement agency, such information, reports, inspections and statements relating to the licensees under his supervision.

**SECTION 6.** Notwithstanding any general or special law to the contrary, the commissioner of banks shall file with the chairs of the joint committee on financial services and the chairs of the house and senate committees on ways and means an annual report, including financial statements, of the conference of state bank supervisors state regulatory registry, limited liability company relative to the multi-state licensing system. The commissioner shall file said report within 10 days of receipt of the report from the conference of state bank supervisors state regulatory registry, limited liability company. Said

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report shall be initially filed following the first full fiscal year after the effective date of this act and thereafter for the 2 following years.

Approved December 28, 2007

**Chapter 224. AN ACT RELATIVE TO THE LICENSING OF MORTGAGE LOAN ORIGINATORS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate the licensing of mortgage loan originators, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 6 of the General Laws is hereby amended by inserting after section 172I the following section:-

Section 172J. Notwithstanding section 172 or any other general or special law to the contrary, the commissioner of banks may obtain all available criminal offender record information as found in the court activity record information from the criminal history systems board of all applicants for licensure pursuant to chapter 255F. Information obtained under this section shall not be disseminated for any purpose other than to provide mortgage protection for home owners.

**SECTION 2.** Section 21 of chapter 206 of the acts of 2007 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Said section 11 shall not apply to such mortgages accelerated or whose statutory condition has been voided under the terms of the mortgage to secure the note, prior to May 1, 2008.

**SECTION 3.** Section 2 shall take effect as of November 29, 2007.

Approved December 28, 2007

**Chapter 225. AN ACT RELATIVE TO THE SALEM STATE COLLEGE ASSISTANCE CORPORATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to facilitate the purchase of property for the Salem State College Assistance Corporation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Subsection (b) of section 277 of chapter 60 of the acts of 1994 is hereby amended by



striking out the definition of “site” and inserting in place thereof the following definition:-  
“site”, the 37.5 acre site, within the city of Salem, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state college and such other properties, including land and buildings thereon, as are located reasonably proximate to the campus of the college and are determined by the corporation to be important in allowing the corporation to fulfill its purposes.

Approved December 28, 2007

**Chapter 226. AN ACT AUTHORIZING THE CITY OF GARDNER TO GRANT 3  
ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC  
BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law or rule or regulation to the contrary, the licensing board of the city of Gardner may grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, subject to the conditions set forth in this section.

The licensing board shall restrict the granting of the licenses issued pursuant to this act to the area designated as an Urban Renewal Area for the purpose of downtown revitalization and to promote economic vitality. The area is more particularly shown on a plan entitled “Urban Renewal Area”, which is on file with the licensing board of the city of Gardner.

Notwithstanding said section 12 of said chapter 138, the additional licenses shall be subject to an annual fee of \$2,500 more than the annual fee for existing all alcoholic beverages licenses in the city of Gardner. The additional \$2,500 fee shall be deposited into an economic development account in the city of Gardner and expended consistent with the purpose of such account.

Notwithstanding said sections 12 and 17 of said chapter 138, the licensing board shall restrict the licenses granted pursuant to this act to restaurants providing direct bar service only to patrons eating a meal at the bar or waiting to be seated for a meal and the license holder shall maintain a direct management role in the daily operation of the restaurant. Any such restaurant shall be determined to be a bona fide restaurant if it operates a full kitchen for a minimum of 8 hours per day or, if it is open for less than 8 hours per day, it operates a full kitchen for the entire period it is open.

The licensing board and the alcoholic beverages control commission shall determine reasonably whether an applicant or licensee meets the criteria set forth in this act.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing board shall not approve the transfer of the license to any other location. The



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license may be granted by the licensing board at the same location if an applicant for the license files with the authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If a license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board and the board may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

**SECTION 2.** This act shall take effect upon its passage.

Approved January 4, 2008

**Chapter 227. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KEVIN J. FITZGERALD, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Kevin J. Fitzgerald, an employee of the department . Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Kevin J. Fitzgerald. Whenever Kevin J. Fitzgerald terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved January 4, 2008

**Chapter 228. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2008 and to make certain

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changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2008, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**

**JUDICIARY**

*Committee for Public Counsel Services*

0321-1513 ..... \$1,200,000

**DISTRICT ATTORNEYS**

*Northern District Attorney*

0340-0200 ..... \$3,486,968

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Bureau of State Office Buildings*

1102-3301 ..... \$170,000

*Group Insurance Commission*

1108-5100 ..... \$459,981

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Elder Affairs*

9110-0100 ..... \$672,000

*Department of Transitional Assistance*

4403-2120 ..... \$2,850,430

*Department of Mental Retardation*

5911-1003 ..... \$3,026,199

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY**  
*Department of State Police*

8100-0007 ..... \$5,300,000

*Department of Correction*

8900-0001 ..... \$10,000,000

*Sheriffs*

8910-0102 ..... \$2,900,000

8910-0160 ..... \$1,050,186

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**  
*Office of the Secretary of Administration and Finance*

1599-4251 For a reserve to meet the fiscal year 2008 costs of the roll call attendance benefit provided in section 3 of the collective bargaining agreement between the Norfolk county sheriff and Norfolk County Sheriff Correctional Officer Association; provided, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$47,546

1599-4252 For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5), and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by

this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$2,122,427

1599-4253 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the New England Police Benevolent Association (Unit 4A), and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$289,625

1599-4254 For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the New England Police Benevolent Association, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary



to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$1,881,440

1599-4255 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Norfolk county sheriff and the National Association of Government Employees, Local RI 202, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$137,184

1599-4256 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and Massachusetts State College Association, and

to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .

\$3,677,831

1599-4257 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the American Federation of State, County and Municipal Employees, Local 1776, AFL-CIO (Unit A01) at the Amherst campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .

\$552,528

1599-4258 For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by

	the collective bargaining agreement between the university of Massachusetts and the International Brotherhood of Police Officers, Local 432 (A&B Units) (Unit A06) at the Amherst campus, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$246,923
1599-4259 For	a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the University Staff Association/MTA/NEA (Unit A08) at the Amherst campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$843,990

- 1599-4260 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Non-Exempt Supervisors Unit, Unit B/MTA/NEA (Unit A15) at the Amherst campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$52,723
- 1599-4261 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA (Units A50 and B40) at the Amherst and Boston campuses, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with



	a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$5,151,329
1599-4262	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Professional Staff Union/MTA/NEA (Units A52 and B42) at the Amherst and Boston campuses, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .....	\$2,811,373
1599-4263	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Classified Staff Union/MTA/NEA (Units B31 and B32) at the Boston campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and	

	allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$414,958
1599-4264	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the International Brotherhood of Teamsters, Local 25 (Unit B33) at the Boston campus, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$72,917
1599-4265	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation (Units D80 and D81) at the Dartmouth campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in	

	effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$1,252,284
1599-4266 For	a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the American Federation of State, County and Municipal Employees, Local 507, AFL-CIO (Unit D82) at the Dartmouth campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means.....	\$230,472
1599-4267 For	a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Federation of Maintenance and Custodial Employees, MFT, AFT, AFL-CIO (Unit D83) at the Dartmouth campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of adminis-	

	tration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$121,816
1599-4268	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the International Brotherhood of Police Officers, Local 399 (Unit D84) at the Dartmouth campus, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$102,340
1599-4269	For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services Unit (Unit D85) at the Dartmouth campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees	



employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$416,979

1599-4270 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Massachusetts Society of Professors/Lowell/MTA/NEA (Unit L90) at the Lowell campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... \$1,537,942

1599-4271 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the MTA/NEA Clerical/Technical Unit (Unit L92) at the Lowell campus, and to meet the fiscal year

2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$56,484

1599-4272 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the MTA/NEA Maintenance/Trades Unit (Unit L93) at the Lowell campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$130,864

1599-4273 For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of

Massachusetts and the International Brotherhood of Teamsters, Local 25 (Unit L94) at the Lowell campus, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$101,778

1599-4274 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 888 (Unit L95) at the Lowell campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . . \$864,618

*Human Resources Division*

1750-0102 The human resources division may expend not more than \$1,627,500 from revenues collected from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that the division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of the programs, including, but not limited to, a fee to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . 300,000

*Information Technology Division*

1790-0300 The information technology division may expend not more than \$601,850 from revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment . . . . . \$122,500

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Transitional Assistance*

4403-2007 For the department of transitional assistance to develop and implement a nutritional benefit program for low-income workers beginning October 1, 2007; provided, that benefits shall be provided only to those whose receipt of these benefits will improve the work participation rate under the federal program of temporary assistance for needy families . . . . . \$1,200,000



*Department of Public Health*

4513-1010 For the department of public health; provided, that said department may expend not more than \$5,500,000 in revenue received from the collection of federal financial participation for early intervention services delivered to Medicaid-eligible children by developmental educators and professionals in related disciplines; provided further, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded in this item; and provided further, that the revenue may be used to pay for current and prior year claims ..... \$1,000,000

**SECTION 2B.** To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2008, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

**OFFICE OF THE STATE COMPTROLLER**

*Office of the Comptroller*

1000-0008 ..... \$150,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Human Resources Division*

1750-0101 ..... \$300,000

*Information Technology Division*

1790-0200 ..... \$5,000,000

**SECTION 3.** Section 63 of chapter 10 of the General Laws is hereby amended by inserting after the words “funds of the commonwealth”, in lines 24 and 25, as appearing in the 2006 Official Edition, the following words:- , certain sums recovered pursuant to section 83 of chapter 4 of the acts of 2003, any sums received by the commonwealth related to insurance programs or policies for the Central Artery/Ted Williams Tunnel Project, in this section called the project, sums received by the Massachusetts Turnpike Authority from the sale, lease, license or other use of any land or facility that the authority is required by law or

contract to pay to the commonwealth for costs of the project or to reimburse the commonwealth for costs of the project, and.

**SECTION 4.** Said section 63 of said chapter 10, as so appearing, is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place thereof the following paragraph:-

At the direction of the secretary of the executive office of administration and finance, the comptroller shall make payments from the fund established pursuant to this section, without further appropriation, for the purposes specified in this section.

**SECTION 5.** Said chapter 10 is hereby further amended by inserting after section 63 the following section:-

Section 63A. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Central Artery/Tunnel Project Repair and Maintenance Trust Fund, in this section called the fund. The secretary of the executive office of transportation and public works shall administer the fund and shall be its trustee. The executive office of transportation and public works shall disburse monies from the fund solely for the purpose of paying the costs of, or reimbursing the commonwealth or the Massachusetts Turnpike Authority for costs incurred in connection with, repairs and maintenance of the central artery and the Ted Williams tunnel, as those terms are defined in section 3 of chapter 81A, if such repairs and maintenance relate to conditions not caused by ordinary or routine wear and tear. For purposes of this section, the term "repairs and maintenance" shall include, without limitation, repairs, maintenance, inspection, monitoring, and testing of the central artery, the Ted Williams tunnel and the systems and components thereof. Disbursements from the fund shall not be permitted for, and monies in the fund shall not be used for, the cost of repairs and maintenance relating to conditions caused by ordinary or routine wear and tear.

(b) There shall be credited to the fund all monies received in connection with judgments and settlement payments that are made subject to the condition that such judgments and settlements be used for non-routine, non-ordinary repairs and maintenance of the central artery and the Ted Williams tunnel. The state treasurer shall invest amounts credited to the fund in accordance with section 38 of chapter 29. Any income derived from these investments shall be credited to the fund.

(c) No monies shall be disbursed from the fund unless: (i) the secretary of the executive office of transportation and public works certifies, in writing, that the requested disbursements conform with the purpose of the fund as set forth in subsection (a); and (ii) the Federal Highway Administrator, or his designee, approves the disbursement, in writing as conforming with the fund's purpose. The executive office of transportation and public works shall keep written records specifying the amount of each approved disbursement and a description of the work for which the disbursement was approved. Annually, on or before April 1, the secretary of the office of transportation and public works shall submit a report to the attorney general, the United States Attorney for the District of Massachusetts and the

Federal Highway Administration, which shall include a list of each disbursement from the fund made during the preceding 12 months, the purpose of each disbursement, and the balance remaining in the fund.

(d) If the fund or this section is abolished or altered in any way to authorize disbursements for any purpose other than those specified in subsection (a), 60 per cent of the fund balance at that time shall revert to the United States and be paid in a form and manner to be determined by the United States Attorney's Office for the District of Massachusetts. Sixty per cent of any monies remaining in the fund as of January 1, 2083, shall revert to the United States and be paid in a form and manner to be determined by the United States Attorney's Office for the District of Massachusetts. Notwithstanding any other provision of this section, the United States Department of Justice and the commonwealth may agree in writing to maintain the fund beyond January 1, 2083 and may agree, in writing, to modify the purpose of the fund on or after January 1, 2083 to include repairs and maintenance of other highway roads or structures in the commonwealth built with federal financial assistance.

(e) If material disbursements are made for any purpose other than those permitted purposes those as specified in subsection (a), the United States Attorney for the District of Massachusetts, subject to Federal Highway Administration consultation and Department of Justice review and approval, may direct that up to 60 per cent of the fund balance at that time revert to the United States and be paid in a form and manner to be determined by the United States Attorney's Office for the District of Massachusetts. The Department of Justice shall consult with the attorney general before approving any reversion under this subsection.

(f) All records of the fund, including the transactions of the fund, shall be public records unless otherwise exempted by law.

**SECTION 6.** Subsection (d) of section 2C of chapter 64C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence:- The secretary may incur expenses for, and the comptroller may certify for payment, amounts from the fund not to exceed the most recent revenue estimate in the state accounting system for the fiscal year; provided, however, that no expenditure shall cause the fund to be out of balance at the end of any fiscal year.

**SECTION 7.** The fourth sentence of subsection (b) of section 2 of chapter 111M of the General Laws, as appearing in section 13 of chapter 58 of the acts of 2006, is hereby amended by inserting after the words "creditable coverage" the following words:- available through the commonwealth health insurance connector.

**SECTION 8.** Section 83 of chapter 4 of the acts of 2003 is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Notwithstanding any general or special law or contract to the contrary, any sums recovered pursuant to this section shall be deposited in the Central Artery and Statewide Road and Bridge Infrastructure Fund established under section 63 of chapter 10 of the General Laws except that monies received from the settlement of *United States v. Aggregate Industries Northeast Region, Criminal Action No. 07-10242-JLT* (D. Mass. 2007) and monies received in connection with future judgments and settlement payments that are made



subject to the condition that such judgments and settlements be used for non-routine repairs and maintenance of the central artery and the Ted Williams tunnel shall be deposited in the Central Artery/Tunnel Project Repair and Maintenance Trust Fund, established pursuant to section 63A of chapter 10 of the General Laws.

**SECTION 9.** Item 2800-0105 of section 2E of chapter 352 of the acts of 2004, as amended by section 24 of chapter 140 of the acts of 2007, is hereby further amended by inserting after the words "Houghton Pond" the following words:- ; provided further, that not less than \$300,000 of the \$900,000 earmarked for Houghton Pond shall be expended for renovations including irrigation to the Houghton Pond athletic fields.

**SECTION 10.** The first sentence of section 9 of chapter 305 of the acts of 2006 is hereby amended by striking out the word "December 31, 2007" and inserting in place thereof the following word:- December 31, 2008.

**SECTION 11.** Item 1410-0400 of section 2 of chapter 61 of the acts of 2007 is hereby amended by adding the following words:- ; and provided further that the secretary may transfer up to \$787,875 from item 1410-0300 for fuel allowance for recipients of said chapter 115.

**SECTION 12.** Item 4100-0060 of said section 2 of said chapter 61 is hereby amended by striking out the words "for the first 3 months of fiscal year 2008" and inserting in place thereof the following words:- for the period from January 1, 2008 through March 31, 2008, - by striking out the words "provided further, that using said data, the division shall also estimate the program savings for fiscal year 2008" and inserting in place thereof the following words:- provided further, that using said data, the division shall also estimate the program savings for fiscal year 2009, - and by striking out the word "November 15, 2007" and inserting in place thereof the following word:- August 15, 2008.

**SECTION 13.** The last sentence of section 26 of chapter 428 of the acts of 2006 is hereby amended by striking out the word "December 1, 2007" and inserting in place thereof the following word:- December 31, 2008.

**SECTION 14.** Item 1790-2015 of section 2 of chapter 27 of the acts of 2007 is hereby amended by adding the following words:- ; provided, however, that any federal reimbursement received in connection with projects funded from this item may be retained and expended for the purposes of the project, without further appropriation; and provided, further, that the executive office of health and human services shall file a quarterly report with the executive office for administration and finance, the house and senate committees on ways and means, and the joint committee on bonding, capital expenditures and state assets that details, by project, an annual estimate of anticipated federal reimbursement to be received on behalf of and expended for the project, as well as year-to-date actual federal reimbursement received and year-to-date actual expenditures of the reimbursement, by project.

**SECTION 15.** The last sentence of section 82 of chapter 61 of the acts of 2007 is hereby amended by striking out the word "December 31, 2007" and inserting in place thereof



the following word:- August 15, 2008.

**SECTION 16.** Item 1790-0200 of said section 2B of said chapter 61 is hereby amended by adding the following words:— ; and provided further, that any unspent balance at the close of fiscal year 2008 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and may be expended for that item in fiscal year 2009.

**SECTION 17.** Item 1000-0008 of section 2B of said chapter 61 is hereby amended by adding the following words:- ; provided, that not less than \$150,000 shall be expended to assist the Massachusetts Turnpike Authority in managing its funds through the MMARS system.

**SECTION 18.** Item 8000-0202 of said section 2 of said chapter 61 is hereby amended by striking out the words “no funds shall be expended in the AA object class; and provided further, that”.

**SECTION 19.** Section 58 of chapter 140 of the acts of 2007 is hereby amended by striking out the words “and \$7,000,000 to the Massachusetts Cultural Facilities Fund established in section 42 of chapter 23G of the General Laws” and inserting in place thereof the following words:- and \$7,000,000 to the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws to be expended as qualified investments to applicants, as those terms are defined in said section 42 of said chapter 23G; provided further, that \$5,500,000 of said \$7,000,000 shall be expended as qualified investments to applicants with an annual operating budget of less than \$5,000,000.

**SECTION 20.** Notwithstanding any general or special law to the contrary, the comptroller may extend access to the state accounting system, the state payroll system, or to both, to any state authority, as defined in section 1 of chapter 29 of the General Laws, to assist such authority in managing its funds, which funds shall be maintained and accounted for separately from other commonwealth funds. An authority accessing the state accounting system pursuant to this section shall pay implementation costs incurred and ongoing, periodic estimated costs or reimbursements of all costs associated with such access including, but not limited to, data center costs, staff time, banking fees, auditing costs and any other costs of use, which may be charged back to the authority against funds residing on the state accounting system. These funds shall be allocated to the appropriate central service agencies which may retain and expend the funds, without further appropriation, for costs incurred. Notwithstanding any restriction of funding source or payee type, any payments processed through the state accounting system shall be available to be intercepted to offset debt properly due the commonwealth. Unless otherwise provided by general law, the use of these systems by a state authority shall not subject the authority to any requirements related to commonwealth funds.

**SECTION 21.** Notwithstanding any general or special law or contract to the contrary, any disbursements from the Central Artery/Tunnel Project Repair and Maintenance

Trust Fund to reimburse the commonwealth or the Massachusetts Turnpike Authority for costs incurred before the effective date of this act shall be deposited in the Central Artery and Statewide Road and Bridge Infrastructure Fund established pursuant to section 63 of chapter 10 of the General Laws.

**SECTION 22.** Notwithstanding chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, on behalf of the executive office of health and human services, the department of transitional assistance and the department of industrial accidents, renegotiate the facilities leases at 600 Washington street in the city of Boston by such office and departments to extend the leases thereof for a period not to exceed 3 years beyond the 10-year limitation provided in section 40G of said chapter 7, notwithstanding the expiration of those leases on or before the effective date of this section.

**SECTION 23.** Notwithstanding any general or special law, rule or any regulation promulgated thereunder, or any municipal ordinance or by-law to the contrary, the division of capital asset management and maintenance may demolish, or cause to be demolished, a certain building located on the former Medfield State Hospital campus known as CO2X (TB Cottage). All costs associated with said demolition shall be assumed by the licensee under an agreement with said division.

**SECTION 24.** Section 7 shall take effect as of January 1, 2008.

**SECTION 25.** Section 14 shall take effect as of July 1, 2007.

*Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Section 4.*

*The remainder of the bill was approved by the Governor on January 4, 2008 at two o'clock and fifty-four minutes, P.M.*

## **Chapter 229. AN ACT FURTHER REGULATING THE GRANTING OF TEMPORARY LICENSES FOR THE SALE OF WINES AT AUCTIONS.**

*Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the granting of temporary licenses for the sale of wines at auctions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.*

*Be it enacted, etc., as follows:*

Chapter 153 of the acts of 1997 is hereby amended by striking out section 5, as amended by section 2 of chapter 398 of the acts of 2002, and inserting in place thereof the following section:-

Section 5. This act shall cease to be effective on January 1, 2013.

Approved January 4, 2008

## **Chapter 230. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF GREENFIELD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 4-1 of the charter of the town of Greenfield, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Composition, Term of Office. There shall be a school committee, which shall consist of 7 members, 6 of whom shall be nominated and elected by and from the voters of the town at large. The mayor shall serve, by virtue of office, as the seventh member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

**SECTION 2.** Said section 4-1 of said charter is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Term of Office. The term of office for the 6 persons elected by the voters as school committee members shall be for 3 years each, with staggered terms, beginning on the first business day of July after the annual town election and continuing until their successors have been qualified. Transitional elections shall provide for 1 member of the school committee to be elected for a 3-year term in the 2008 election, for 2 members of the school committee to be elected for 2-year terms and for 1 member of the school committee to be elected for a 2-year term in the 2009 election, for 2 members of the school committee to be elected for 3-year terms in the 2010 election and for 2 members of the school committee to be elected for 3-year terms at each election thereafter.

**SECTION 3.** Section 6-3 of said charter is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following 2 paragraphs:-

(a) Establishment, Scope. There shall be a department of municipal finance which shall be responsible for the performance of all fiscal and financial activities of the town. The director of municipal finance shall assume all of the duties and responsibilities related to municipal finance activities which prior to the effective date of this act were performed by or under the authority of the town accountant, the town treasurer, the town collector and the board of assessors. The department shall have such additional powers, duties and responsibilities with respect to municipal finance-related functions and activities as the town may from time to time provide by by-law. Any powers of a chief procurement officer which the mayor does not personally exercise, shall be assigned to the department of municipal finance.



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## Chap. 230

All activity by the mayor acting as a chief procurement officer shall be processed through the department of municipal finance.

(b) Director of Municipal Finance. The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by and responsible to the mayor. The mayor shall appoint individuals as necessary to perform the duties of town collector and town treasurer. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The director shall be responsible for the supervision and coordination of all activities of the department in accordance with the General Laws, town by-laws, administrative codes and rules and regulations. The director shall serve, as the mayor may from time to time specify, as the town treasurer, town collector, treasurer-collector or town accountant.

**SECTION 4.** Section 6-4 of said charter is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following 2 paragraphs:-

(a) Establishment, Scope. There shall be a department of planning and development which shall be responsible for the coordination of all planning and development-related activities of the town. The director of planning and development shall be responsible for the coordination of all of the duties and responsibilities related to the planning and development-related activities which, prior to the effective date of this act were performed by or under the authority of the planning board, board of appeals and conservation commission. The department shall have such additional powers, duties and responsibilities with respect to the coordination of planning and development related functions and activities as the town may from time to time provide, by by-law, and which may include the coordination of all land acquisition and land management proposals, economic development planning, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development-related materials.

(b) Director of Planning and Development. The department of planning and development shall be under the direct control and supervision of a director of planning and development who shall be appointed by and responsible to the mayor. The director shall be a person especially fitted by education, experience and training to perform the duties of the office. The director shall be responsible for the supervision and coordination of all activities of the department in accordance with the General Laws, town by-laws, administrative codes and rules and regulations.

**SECTION 5.** Section 6-9 of said charter is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) The board of license commissioners shall consist of 5 persons, who shall be registered voters, to be appointed by the mayor for terms of 3 years, beginning on the first business day of July, 2008. No person, while a member of the board, shall have an interest, directly or indirectly, with the sale or distribution of alcoholic beverages.



**SECTION 6.** Paragraph (d) of section 6-11 of said charter is hereby amended by striking out subsection 4 and inserting in place thereof the following subsection:-

(4) Final interviews for appointments and promotions of officers and personnel, in the police and fire departments shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with those recommendations, shall submit written reasons for not concurring with the recommendations to the mayor. Appointments and promotions of public safety personnel shall be made in accordance with civil service laws and the General Laws and local hiring policy requirements as defined by the mayor, respectively.

**SECTION 7.** Section 6-21 of said charter is hereby amended by striking out paragraphs (a) and (c) and inserting in place thereof the following 2 paragraphs:-

(a) There shall be a conservation commission which shall consist of 5 members who shall be appointed by the mayor, with the approval by town council. The commission members shall serve staggered 3-year terms.

(c) A vacancy in the office of a regular member of the conservation commission shall be filled by the mayor.

**SECTION 8.** Section 1 shall take effect on July 1, 2008.

Approved January 4, 2008

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**Chapter 1. RESOLVE REVIVING AND CONTINUING AND INCREASING THE SCOPE OF THE SPECIAL COMMISSION RELATIVE TO ENDING HOMELESSNESS IN THE COMMONWEALTH.**

*Resolved*, That the special commission, established by chapter 2 of the resolves of 2006 is hereby revived and continued; and be it further

*Resolved*, That section 1 of said chapter 2 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The commission shall consist of 5 members of the senate, 1 of whom shall be a member of the minority party, 5 members of the house of representatives, 1 of whom shall be a member of the minority party, the director of housing and community development or her designee, the commissioner of mental health or her designee, the commissioner of transitional assistance or his designee, the secretary of veterans' services or his designee, the lieutenant governor or his designee, the secretary of administration and finance or her designee, the commissioner of correction or his designee, the secretary of health and human services or her designee, the secretary of housing and economic development or his designee, 3 mayors or their designees nominated by the Massachusetts Municipal Association, the president of the Massachusetts Sheriffs' Association or his designee, the chief justice of the housing court or his designee and 6 persons to be appointed by the governor; and be it further

*Resolved*, That section 2 of said chapter 2 is hereby amended by striking out in the first sentence the words "June 30, 2007" and inserting in place thereof the following words:- December 30, 2007; and be it further

*Resolved*, That section 4 of said chapter 2 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission shall present to the general court its comprehensive housing plan to end homelessness in the commonwealth, including a timeline for implementation, cost estimates and finance mechanisms and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing them with the clerk of the house of representatives, who shall forward the same to the governor, the joint committee on children, families and persons with disabilities, the joint committee on housing, and the house and senate committees on ways and means on or before December 30, 2007; and be it further

*Resolved*, That said section 4 of said chapter 2 is hereby further amended by striking out the last sentence.

Approved July 25, 2007.

**Chapter 2. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO EXAMINING HYGIENIC PROCEDURES RELATIVE TO BAND INSTRUMENTS.**

*Resolved*, That a special commission, to consist of 3 members of the senate, 1 of whom is to be appointed by the senate minority leader, 3 members of the house of representatives, 1 of whom is to be appointed by the house minority leader, the commissioner

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## Chap. 2

of public health or his designee and 4 persons to be appointed by the governor, 1 of whom shall be a Massachusetts band music educator, 1 of whom shall be a school nurse, 1 of whom shall be a representative of a band equipment manufacturer or provider and 1 of whom shall be a representative of the consumer community, for the purpose of making an investigation and study relative to the hygienic procedures pertaining to band instruments and the prevention of the spread of contagious diseases through the use of such instruments in schools and to minimize the risks of cross-contamination when instruments are transferred from 1 musician to another. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the house of representatives and the senate who shall forward the same to the joint committee on public health on or before August 1, 2008.

Approved December 14, 2007.

## Chapter 3. *RESOLVE* IN FAVOR OF BURTON W. GERRIG, ESQUIRE.

*Resolved*, That for the purpose of discharging an obligation of the commonwealth and after an appropriation has been made therefor, there shall be allowed and paid out of the state treasury to Burton W. Gerrig, Esquire, the sum of \$9,135.00 for legal services rendered to the civil service commission in the years 1974, 1975 and 1976.

Approved December 28, 2007.





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**SUMMARY OF THE ACTS AND RESOLVES APPROVED, APPROVAL  
WITHHELD, ACT VETOED BY THE GOVERNOR, PASSED OVER HIS VETO,  
AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER THE  
AUTHORITY OF THE CONSTITUTION.**

During the first session of the General Court held in 2007, 230 Acts were enacted of which 227 Acts and three Resolves received the Governor's approval.

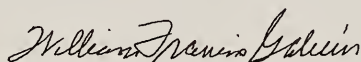
Chapters 93 and 135 were not approved by the Governor within the ten days prescribed by the Constitution. They were not returned to either legislative branch during the ten days with the Governor's reasons for disapproval in writing and since the General Court had not prorogued during that time, these acts have the force of law and have been so certified.

One Act was returned by the Governor to the House, the branch in which it had originated, with his objections in writing thereto. Chapter 119 was passed by the House on September 18, 2007 and by the Senate on September 20, 2007. The Governor's objection notwithstanding, this chapter has the force of law and has been so certified.

This summary does not include those line item vetoes by the Governor on appropriation Acts nor any subsequent legislative action on those vetoes.

Six Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution. These are Chapters 74, 81, 162, 178, 192 and 205.

The 2007 session of the General Court was dissolved at midnight on Tuesday January 1, 2008 the session having lasted 364 days.



William Francis Galvin  
Secretary of the Commonwealth

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**OFFICE OF THE SECRETARY, BOSTON, MASSACHUSETTS    October 31, 2008**

I hereby certify that the Acts contained in this volume are true copies of the originals on file with this department.

I further certify that the Index and the Table of Changes contained in this volume have been prepared under the direction of the Committee on Rules of the two branches of the General Court in accordance with the provisions of M.G.L. c. 3, section 52.

A handwritten signature in cursive script, reading "William Francis Galvin".

William Francis Galvin  
Secretary of the Commonwealth

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**AGGREGATE VOTE ON PROPOSED LAWS SUBMITTED TO THE PEOPLE AT  
THE NOVEMBER 7, 2006 ELECTION**

Statement of the Secretary in Compliance with M.G.L. c. 5, § 2(6)

Question	Yes	No	Blank
1. Sale of Wine by Food Stores	917,467	1,185,714	140,654
2. Nomination of Candidates for Public Office	688,259	1,302,199	253,377
3. Family Child Care Providers	951,517	1,042,253	250,065





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### SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 2006 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY 1, 2007.

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**CHAPTER 1 - Jurisdiction of the Commonwealth and of the United States.**

**CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.**

**CHAPTER 3 - The General Court.**

**CHAPTER 4 - Statutes.**

§ 7 Clause Twenty-sixth, subclause (q) **added**, 2007 109 §1.

**CHAPTER 5 - Printing and Distribution of Laws and Public Documents.**

**CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.**

§ 1 **revised**, 2007, 140 § 3. (See § 64)

§ 2 **amended**, 2007, 140 § 4. (See § 64)

§ 15BBBBBB **added**, 2007, 51.

§ 15CCCCC **added**, 2007, 114.

§ 15DDDDD **added**, 2007, 173.

§ 17A **revised**, 2007, 19 § 1.

§ 56 first paragraph **amended**, 2007, 19 § 2.

§ 56 first paragraph **replaced**, 2007, 39 § 1.

§ 56 fifth paragraph **replaced**, 2007, 39 § 2.

§ 121 **repealed**, 2007, 192 § 1.

§ 162 **revised**, 2007, 140 § 5.

§ 172J **added**, 2007, 206 § 2.

§ 172J **added**, 2007, 224 § 1.

§ § 209, 210, 211, 212, 213 **repealed**, 2007, 192 § 2.

**CHAPTER 6A - Executive Offices.**

§ 2 **revised**, 2007, 19 § 3.

§ 3 third sentence **amended**, 2007, 19 § 4.

§ 8B **repealed**, 2007, 19 § 5.

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## TABLE OF CHANGES

### **CHAPTER 6A - Executive Offices. - continued**

- § 16G subsection (a) first sentence **amended**, 2007, 19 § 6.
- § 16G **amended**, 2007, 19 § 7.
- § 16G subsections (d), (e), **stricken out**, 2007, 19 § 8.
- § 16G subsection (f), first sentence **amended**, 2007, 19 § 9.
- § 16 L subsection (e) 4 sentences **added**, 2007, 205 § 1.
- § 16O **revised**, 2007, 205 § 2.
- §§ 17D, 17E **repealed**, 2007, 145 § 1.
- § 18H½ **amended**, 2007, 42 § 3.

### **CHAPTER 6B - Acute Hospital Finance.**

### **CHAPTER 7 - Executive Office for Administration and Finance. (Former title, Commission on Administration and Finance.)**

- § 4G **amended**, 2007, 19 § 10.

### **CHAPTER 7A - Office of the Comptroller.**

- § 8 last paragraph **revised**, 2007, 140 § 6.
- § 18 subsection (a), clause (6), **revised**, 2007, 140 § 7.

### **CHAPTER 8 - State Superintendent of Buildings, and State House.**

### **CHAPTER 9 - Department of the State Secretary.**

- § 1 **amended**, 2007, 140 § 8. (See § 64)
- § 31 **amended**, 2007, 16 § 3; 2007, 20 § 1.

### **CHAPTER 9A - Address Confidentiality Program. (New Chapter added, 2000, 409.)**

### **CHAPTER 10 - Department of the State Treasurer.**

- § 1 line 3 **amended**, 2007, 140 § 9. (See § 64)
- §§ 35DD, 35EE **added**, 2007, 61 § 4.
- § 35FF **added**, 2007, 140 § 10.
- § 63 **amended**, 2007, 140 § 11.
- § 63 **amended**, 2007, 228 §§ 3, 4.
- § 63A **added**, 2007, 228 § 5.

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### **CHAPTER 11 - Department of the State Auditor.**

§ 1 amended, 2007, 140 § 12. (See § 64)

### **CHAPTER 12 - Department of the Attorney General, and the District Attorneys.**

§ 1 amended, 2007, 140 § 13. (See § 64)

§ 15 amended, 2007, 140 §§ 14, 15. (See § 63, 64)

### **CHAPTER 12A - Office of the Inspector General.**

### **CHAPTER 12B - State Gambling and Advisory Commission.**

### **CHAPTER 13 - Division and Boards of Registration.**

(Former title - Department of Civil Service and Registration.)

(Title revised, 1998, 161 § 59.)

### **CHAPTER 14 - Department of Revenue.**

### **CHAPTER 15 - Department of Education.**

### **CHAPTER 15A - Public Education.**

§§ 4, 5 word "design" added after the word "Art", 2007, 72 §§ 2, 3.

§ 22A added, 2007, 61 § 5.

### **CHAPTER 15B - The New England Educational Loan Marketing Corporation Act.**

(Chapter repealed, 1982, 356 § 2.)

### **CHAPTER 15C - Massachusetts College Student Loan Authority.**

### **CHAPTER 15D - Department of Early Education and Care.**

(New Chapter added, 2004, 205.) (See 2004, 205 § 2.)

### **CHAPTER 16 - Department of Highways.**

(Formerly, Department of Public Works.)

### **CHAPTER 17 - Department of Public Health.**

§ 3 revised, 2007, 1 § 5.

§ 5 replaced, 2007 1 § 1.

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(Title revised, 1995, 5 § 7. Former title, Department of Public Welfare.) (See 1995, 5 § 7.)

**CHAPTER 18A - Department of Youth Services.**

**CHAPTER 18B - Department of Social Services.**

**CHAPTER 19 - Department of Mental Health.**

**CHAPTER 19A - Department of Elder Affairs.**

§ 13 repealed, 2007, 192 § 3.

**CHAPTER 19B - Department of Mental Retardation.**

**CHAPTER 19C - Disabled Persons Protection Commission.**

**CHAPTER 19D - Assisted Living.**

(New Chapter inserted, 1994, 354 § 3.)

**CHAPTER 20 - Department of Food and Agriculture.**

**CHAPTER 21 - Department of Environmental Management.**

§ 17G added, 2007, 183 § 2.

**CHAPTER 21A - Executive Office of Energy and Environmental Affairs.**

(Chapter Title amended, 2007, 19 §11.)

§ 1 amended, 2007, 19 § 12.

§ 7 amended, 2007, 19 § 13.

**CHAPTER 21B - Mining Regulation and Reclamation.**

**CHAPTER 21C - Massachusetts Hazardous Waste Management Act.**

**CHAPTER 21D - Massachusetts Hazardous Waste Facility Siting Act.**

**CHAPTER 21E - Massachusetts Oil and Hazardous Material Release Prevention and Response Act.**

**CHAPTER 21F - Coastal Facilities Improvement.**



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- CHAPTER 21G - Massachusetts Water Management Act.**
- CHAPTER 21H - Solid Waste Facilities.**  
(New chapter inserted, 1987, 584 § 3.)
- CHAPTER 21I - Massachusetts Toxics Use Reduction Act.**  
(New chapter inserted, 1989, 265 § 3.)
- CHAPTER 21J - Underground Storage Tank Petroleum Product Cleanup Fund.**  
(New chapter inserted, 1990, 524 § 1).
- CHAPTER 21K - Mitigation of Hazardous Material.**  
(New Chapter inserted, 1998, 194 § 64.)
- CHAPTER 21L - ENVIRONMENTAL ENDANGERMENT ACT.**  
(New Chapter inserted, 2003, 26 § 123. (See 2003, 26 § 715.)
- CHAPTER 21M - (New Chapter inserted, 2004, 251 § 11.)**
- CHAPTER 22 - Department of Public Safety.**  
§ 12 revised, 2007, 61 § 6.
- CHAPTER 22A - Central Register for Missing Children.**
- CHAPTER 22B - Capitol Police.**  
(Chapter repealed, 1991, 412 § 21.) (See 1991, 412 § 139.)
- CHAPTER 22C - The Department of State Police.**  
(New chapter inserted, 1991, 412 § 22.) (See 1991, 412 § 139.)
- CHAPTER 22D - Department of Fire Services.**  
(New chapter inserted, 1996, 151 § 109.) (See 1996, 151 § 690.)
- CHAPTER 22E - State DNA Database.**  
(New chapter inserted, 1997, 106 § 7.)
- CHAPTER 23 - Executive Office of Labor and Work Force Development.**  
(New title inserted, 1996, 196, 151 § 110, Former title, Department of Labor and Industries.) (See 1996, 151 § 690.)

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§ 1 third sentence **revised**, 2007, 39 § 3.

§ 1 **revised**, 2007, 19 § 15.

§ 1A subsection (c) **amended**, 2007, 145 § 2. (See § 9)

§ 3, subsection (a) **revised**, 2007, 145 § 3.

§ 3 subsection (c) **repealed**, 2007, 145 § 4.

§§ 90, 9P, 9Q and 9R **stricken out, replaced** with seven sections, 2007, 145, § 5.

### **CHAPTER 23A - Department of Economic Development.**

(New title inserted, Former title, Department of Commerce and Development.)

### **CHAPTER 23B - Department of Housing and Community Development.**

(Title Changed, 1996, 204 § 15, Former Title, Division of Housing and Community Development.)

§ 1 first paragraph, first and second sentences **amended**, 2007, 19 § 16.

§ 27 **amended**, 2007, 140 § 16.

### **CHAPTER 23C - Board of Conciliation and Arbitration.**

(Chapter Repealed, 2007, 145, §6)

### **CHAPTER 23D - Massachusetts Industrial Service Program.**

### **CHAPTER 23E - Division of Industrial Accidents.**

(Former Title, Department of Industrial Accidents)

### **CHAPTER 23F - The Economic Diversification Program.**

(New chapter inserted, 1990, 525.)

### **CHAPTER 23G - The Massachusetts Development Finance Agency.**

(New chapter inserted, 1998, 289§ 24.) (See 1998, 289 § 33.)

### **CHAPTER 23H - WORKFORCE DEVELOPMENT.**

(New chapter inserted, 2003, 26 § 571.) (See 2003, 26 § 715.)

§ 1 **amended**, 2007, 19 § 17.

§ 1 subsection (d) **added**, 2007, 19 § 18.

### **CHAPTER 23I – ECONOMIC INVESTMENTS.**

### **CHAPTER 24 - Department of Industrial Accidents.**

(Chapter repealed, 1953, 314 § 14.)

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(New chapter inserted, 1996, 151 § 148.) (See 1996, 151 § 690.)

§ 1, subsection (a), first sentence **amended**, 2007, 19 § 19; subsection (b) first sentence **amended**, 2007, 19 § 20.

### **CHAPTER 25 - Department of Public Utilities.**

§ 1 lines 1 and 2 **amended**, 2007, 19 § 21.

§ 2 first paragraph **revised**, 2007, 19 § 22.

§ 2A **amended**, 2007, 19 § 23.

§ 4 **amended**, 2007, 19 § 24.

§ 18 first paragraph, first sentence **amended**, 2007, 19 § 26; § 18 **amended**, 2007, 19 § 27.

### **CHAPTER 25A - Division of Energy Resources.**

(Formerly, Executive Office of Energy Resources.)

§ 1 **amended**, 2007, 19 § 28.

### **CHAPTER 25B - Massachusetts Appliance Efficiency Standards Act.**

§ 5 fourth paragraph **amended**, 2007, 178.

### **CHAPTER 25C - Department of Telecommunications and Cable.**

(New chapter inserted, 2007, 19 § 29.)

### **CHAPTER 26 - Department of Banking and Insurance.**

§ 7B subsection (b), **revised**, 2007, 205 § 3.

### **CHAPTER 27 - Department of Correction.**

### **CHAPTER 28 - Metropolitan District Commission.**

(Chapter repealed, 2003, 26 § 125. (See 2003, 26 § 715.)

### **CHAPTER 28A - Office of Child Care Services.**

(Former Title, Office For Children.) (See 2000, 313 § 8.)

§ 9 definition of "Placement agency" **amended**, 2007, 105 § 1.

§ 10 paragraph (a) **amended**, 2007, 105 § 2.

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### **CHAPTER 29 - State Finance.**

§ 2EEE repealed, 2007, 61, § 7.

§ 2PPP amended, 2007, 205 § 4.

§ 29H revised, 2007, 140 § 17.

§ 49 sixth paragraph, sentence added, 2007, 140 § 18.

### **CHAPTER 29A - Financing the Judicial System.**

### **CHAPTER 29B - State Revenue Growth Control.**

(Chapter repealed, 1998, 194 § 103.) (See 1998, 194 § 433.)

### **CHAPTER 29C - Water Pollution Abatement Revolving Loan Program.**

(New chapter inserted, 1989, 275 § 8.)

### **CHAPTER 29D - THE HEALTH CARE SECURITY TRUST.**

(New chapter inserted, 1999, 127 § 43.) (See 1999, 127 § 390.)

### **CHAPTER 30 - General Provisions Relative to State Departments, Commissions, Officers and Employees.**

§ 61 amended, 2007, 168 § 2.

§ 62I added, 2007, 168 § 3.

### **CHAPTER 30A - State Administrative Procedure.**

### **CHAPTER 30B - Uniform Procurement Act.**

(New chapter inserted, 1989, 687 § 3.)

### **CHAPTER 31 - Civil Service.**

§ 58 last sentence amended, 2007, 33.

### **CHAPTER 31A - Municipal Personnel Systems.**

### **CHAPTER 32 - Retirement Systems and Pensions.**

§ 19A paragraph added, 2007, 67 § 2.

§ 22 amended, 2007, 68 § 1.

§ 22 subsection (8), paragraph (c½) added after paragraph (c), 2007, 68 § 2.

§ 91 lines 14 and 15, amended, 2007, 140 § 19.

§ 94 amended, 2007, 162.



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### **CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.**

§ 2 paragraph (b) sentence added, 2007, 67 § 3.

§ 3 revised, 2007, 67 § 3.

§ 2 amended, 2007, 205 § 5.

§ 3B added, 2007, 67 § 3C.

§ 24 added, 2007, 61 § 8.

### **CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and Their Dependents.**

§ 2 amended, 2007, 67 § 3D.

§ 2 paragraph (a) amended, 2007, 67 § 3E.

§ 19 revised, 2007, 67 § 4.

### **CHAPTER 33 - Militia.**

### **CHAPTER 34 - Counties and County Commissioners.**

### **CHAPTER 34A - County Charter Procedures.**

### **CHAPTER 34B - Abolition of County Government. (New chapter inserted, 1999, 127 § 53.) (See 1999, 127 § 390.)**

### **CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.**

### **CHAPTER 36 - Registers of Deeds.**

§ 41 amended, 2007, 20 § 2.

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### **CHAPTER 38 - Medical Examiners.**

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### **CHAPTER 40 - Powers and Duties of Cities and Towns.**

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§ 3 first paragraph replaced, 2007, 16 § 4.

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### **CHAPTER 40C - Historic Districts.**

### **CHAPTER 40D - Industrial Development of Cities and Towns.**

### **CHAPTER 40E - Massachusetts Industrial Development Authority.**

### **CHAPTER 40F - The Massachusetts Community Development Finance Corporation.**

### **CHAPTER 40G - Massachusetts Technology Development Corporation.**

### **CHAPTER 40H - Community Economic Development Assistance Corporation.**

### **CHAPTER 40I - THE BAY STATE SKILLS CORPORATION ACT. (Chapter repealed, 1996, 151 § 196.) (See 1996, 151 § 690.)**

### **CHAPTER 40J - Massachusetts Technology Park Corporation.**

§ 6A amended, 2007, 61 §§ 9, 10, 11.

§ 6A line 69, amended, 2007, 140 § 20.

### **CHAPTER 40K - MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION. (Chapter repealed, 1996, 58 § 23.) (See 1996, 58 § 105.)**

### **CHAPTER 40L - AGRICULTURAL INCENTIVE AREAS.**

### **CHAPTER 40M - GOVERNMENTAL UNITS POOLED INSURANCE.**

### **CHAPTER 40N - MODEL WATER AND SEWER COMMISSION. (New chapter inserted, 1992, 343 § 2.)**

### **CHAPTER 40O - BUSINESS IMPROVEMENT DISTRICTS. (New chapter inserted, 1994, 173.)**

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- CHAPTER 400 - The Massachusetts Rent Control Prohibition Act.**  
(New chapter inserted, 1994, 368 § 1.) (See 1994, 368 § 2.) (Voted by the people under Art. 48.) (Chapter stricken out, 1997, 19 § 10.) (See 1997, 19 § 127.)
- CHAPTER 40P - The Massachusetts Rent Control Prohibition Act.**  
(New chapter inserted, 1997, 19 § 10.) (See 1997, 19 § 127.)
- CHAPTER 40Q- DISTRICT IMPROVEMENT FINANCING.**  
(New Chapter inserted, 2003, 46 § 18.)
- CHAPTER 40R- SMART GROWTH ZONING AND HOUSING PRODUCTION.**  
(New Chapter inserted, 2004, 149 § 92.) (See 2004, 149 § 428.)
- CHAPTER 40S- SMART GROWTH SCHOOL COST REIMBURSEMENT.**  
(New Chapter inserted, 2005, 141 § 1.)
- CHAPTER 41 - Officers and Employees of Cities, Towns and Districts.**  
§ 100G¼ line 5, amended, 2007 109 §§ 1, 2. (see § 3.)
- CHAPTER 42 - Boundaries of Cities and Towns.**
- CHAPTER 43 - City Charters.**
- CHAPTER 43A - Standard Form of Representative Town Meeting Government.**
- CHAPTER 43B - Home Rule Procedures.**  
§ 12 amended, 2007, 157 § 1.  
§ 2-2 second paragraph amended, 2007, 157 § 2.  
§ 2-2 sentence added, 2007, 157 § 3.  
§ 2-12 subparagraph (b) amended, 2007, 157 § 4.  
§ 12 paragraph (a) section 4-1 revised, 2007, 230, § 1.  
§ 4-1 paragraph (b) revised, 2007, 230, § 2.  
§§ 6-3, 6-4 paragraphs (a) and (b) revised, 2007, 230 §§ 3, 4.  
§ 6-9 paragraph (b) revised, 2007, 230 § 5.  
§ 6-11 paragraph (d) subsection 4 revised, 2007, 230 § 6.  
§ 6-21 paragraphs (a) and (c) revised, 2007, 230 § 7.

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- CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.**  
(New chapter inserted, 1987, 756.)
- CHAPTER 43D - EXPEDITED PERMITTING.**  
(New chapter inserted, 2004, 149 § 94.)(See 2004, 149 § 428.)
- CHAPTER 44 - Municipal Finance.**
- CHAPTER 44A - QUALIFIED BOND ACT.**
- CHAPTER 44B. - COMMUNITY PRESERVATION.**  
(New chapter inserted, 2000, 267 § 1.)
- CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.**
- CHAPTER 46 - Return and Registry of Births, Marriages and Death.**  
§§ 2B, 2C added, 2007, 109 § 2.  
§ 13 paragraph (h) eleventh sentence **stricken out**, two sentences **added**, 2007, 109 § 3.  
§ 31 **added**, 2007, 109 § 4.
- CHAPTER 47 - Infirmarys.**
- CHAPTER 48 - Fires, Fire Departments and Fire Districts.**
- CHAPTER 49 - Fences, Fence Viewers, Pounds and Field Drivers.**
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- CHAPTER 50 - General Provisions Relative to Primaries, Caucuses and Elections.**
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- CHAPTER 55 - Disclosure of Campaign Expenditures and Contributions and Election Inquests.**
- CHAPTER 55A - THE MASSACHUSETTS CLEAN ELECTION LAW.**  
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(Former Title, Limited Public Financing of Campaigns for Statewide Elective Office.)
- CHAPTER 55B - The State Ballot Law Commission.**
- CHAPTER 55C- LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE**  
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- CHAPTER 56 - Violations of Elections Laws.**
- CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.**
- CHAPTER 58 - General Provisions Relative to Taxation.**
- CHAPTER 58A - Appellate Tax Board.**  
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- CHAPTER 59 - Assessment of Local Taxes.**
- § 21C amended, 2007, 91 § 1.  
§ 21C amended, 2007, 91 § 2.  
§ 57 first paragraph, last sentence **stricken out**, 2 sentences **added**, 2007, 74 § 1  
§ 57C seventh paragraph, second sentence **stricken out**, 2 sentences **added**, 2007, 73 § 2.
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**CHAPTER 61A - Assessment and Taxation of Agricultural and Horticultural Land.**

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**CHAPTER 62 - Taxation of Incomes.**

§ 2 subsection (a), paragraph (2), subparagraph (Q) **added**, 2007, 205 § 6.

§ 6 **amended**, 2007, 63 § 1.

§ 6 subsection (L), paragraph (2), second sentence **revised**, 2007, 63 § 2.

§ 6 subsection (L), paragraph (4), first sentence **revised**, 2007, 63 § 3.

§ 6 subsection (L), paragraph (6) **stricken out**, 2007, 63 § 4.

§ 6L **added**, 2007, 63 § 5.

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§ 8B subsection (c) **revised**, 2007, 205 § 7.

§ 21 subsection (b), clause 23 **added**, 2007, 205 § 8.

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§ 1 **amended**, 2007, 205 § 9.

§ 13 clause (viii) **revised**, 2007, 205 § 10.

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§ 12 **amended**, 2007, 205 § 11.

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§ 32E **added**, 2007, 63 § 6.

§ 38T **amended**, 2007, 63 § 7.

§ 38T subsection (b), second sentence **revised**, 2007, 63 § 8.

§ 38T subsection (d), first sentence **revised**, 2007, 63 § 9.

§ 38T subsection (f), **stricken out**, 2007, 63 § 10.

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§ 2C subsection (d) **amended**, 2007, 228 § 6.

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§ 6 lines 576 and 592 **amended**, 2007, 63 § 12.

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§ 8 amended, 2007, 72 § 8.  
§ 10 amended, 2007, 72 § 9.  
§ 19 amended, 2007, 72 § 10.
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§ 1 definition of "Secretary" **added**, 2007, 168 § 5.

§ 18 paragraph **added** after third paragraph, 2007, 168 § 6.

§ 18 **amended**, 2007, 168 § 7.

§ 18B **added**, 2007, 168 § 8.

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§ 50 "Identity Theft Report" definition **inserted**, 2007, 82 § 3.

§ 50 "Lift" definition **inserted**, 2007, 82 § 4.

§ 50 definition of "Password" **inserted**, 2007, 82 § 5.

§ 50 definition of "Proper Identification", "Remove", "Security freeze" **inserted** 2007, 82 § 6.

§ 55 **amended**, 2007, 82 § 7.

§ 56 third paragraph, subsection (b), **amended**, 2007, 82 § 8.

§ 56 last paragraph, subsection (b), last sentence **revised**, 2007, 82 § 9.

§ 56 subsection (b) 4 paragraphs **added**, 2007, 82 § 10.

§ 58 **amended**, 2007, 82 § 11.

§ 58 paragraph **added**, 2007, 82 § 12.

§ 62A **added**, 2007, 82 § 13.

§ 63 **amended**, 2007, 82 § 14.

§ 64 **amended**, 2007, 82 § 15.

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(New chapter added, 2006, 58, § 12.) (see 2006, 58, § 1.)

§ 1 clause (d) **revised**, 2007, 205 § 12.

§ 2 subsection (b) **revised**, 2007, 205 § 13.

§ 2 first paragraph of paragraph (b) **amended**, 2007, 205 § 14.

§ 2 **amended**, 2007, 205 § 15.

§ 3 **amended**, 2007, 205 § 16.

§ 2 subsection (b), fourth sentence **amended**, 2007, 228 § 7.

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§ 172A **added**, 2007, 142.

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- § 9A subsection (16) **added**, 2007, 61 § 12.
- § 9C **amended**, 2007, 205 § 17.
- § 10F subsection (d) **revised**, 2007, 61 § 13.
- § 23 clause (a), subclause (ii), first sentence, eight paragraph, **amended**, 2007, 205 §§ 18, 19.
- § 23 **revised**, 2007, 42 § 4.
- § 54 second and third sentences **stricken out**, 3 sentences **added**, 2007, 205 § 20.
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§ 6C amended, 2007, 205 §§ 22, 23.

§ 18B amended, 2007, 205 §§ 24, 25.

§ 25 amended, 2007, 61 § 14.

§ 31 subsection (b) revised, 2007, 42 § 5.

§ 32 subsection (d) amended, 2007, 42 § 6.

§ 35 subsection (c), added, 2007, 205 § 26.

§ 34 through 39 added, 2007, 61 § 15.

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§ 188 subsection (a) definition of “employer” **revised**, 2007, 205 § 27.

§ 188 subsection (d) **amended**, 2007, 61 § 16.

§ 188 subsection (d) sentence **added**, 2007, 205 § 28.

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- § 7 **amended**, 2007, 42 § 8.
- § 1 definition of "written majority authorization" **added**, 2007, 120 § 3.
- § 4 paragraph **added**, 2007, 120 § 4.
- § 11 **revised**, 2007, 145 § 7. (See § 9)

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- §46 subsection (c), clause (7) **added**, 2007, 194.

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§ 1 amended, 2007, 19 § 33.

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§ 1 amended, 2007, 19 § 35.

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§ 69H second paragraph amended, 2007, 19 § 37.

§ 69H third paragraph, 1<sup>st</sup> sentence stricken out, 2007, 19 § 38.

§ 69H amended, 2007, 19 § 39.

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§ 5 sentence added, 2007, 19 § 43.

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§ 2 first paragraph revised, 2007, 19 § 50.

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